
EVALUATOR MANUAL TRANSMITTAL SHEET

Distribution:

☐ All Child Care Evaluator Manual Holders
☐ All Residential Care Evaluator Manual Holders
☒ All Evaluator Manual Holders

Transmittal No.
02RM-14**Date Issued**

October 2002

Subject:

REFERENCE MATERIAL – BACKGROUND CHECK PROCEDURES

Reason For Change:

To update Sections 7-1510, 7-1740, 7-1760, 7-1820 (Nena Romo)
To add new Section 7-1015 (Linda Inglett)
To update Sections 7-1000, 7-1010, 7-1020, 7-2200 (Linda Inglett)

Filing Instructions:

☒ REMOVE – Pages 1, 3 - 6, 11 - 14, 31 - 42.2 and 57-58

☒ INSERT – Pages 1, 3 – 6.2, 11 –14, 31 –42 and 57-58

Approved:**Original Copy****Signed by Jeff Hiratsuka**Jeff Hiratsuka, Chief
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7-0000 CAREGIVER BACKGROUND CHECK BUREAU**7-0000**

The Caregiver Background Check Bureau of the Community Care Licensing Division was established in January of 1992, to meet the statutory requirements of Health & Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871. Prior to January 1992, this function was performed by the District Offices. The Caregiver Background Check Bureau consists of the following Sections:

- **Exemption Processing**
Reviews criminal record information and renders decisions on criminal record exemption requests for the Community Care Licensing Division licensed facilities and for TrustLine.
- **TrustLine Registry**
Conducts background checks for subsidized and voluntary license-exempt child care providers and other agencies who provide services to children.
- **Background Information Review**
Conducts arrest-only preliminary investigations for the Community Care Licensing Division and TrustLine cases.
Conducts preliminary investigations on Child Abuse Central Index matches for Community Care Licensing Division and TrustLine cases.
- **Customer Relations**
Conducts presentations on the Caregiver Background Check Bureau's functions.
Answers questions from the public, licensed providers and exemption applicants.

The information contained in this section of the Evaluator Manual Reference Material is of a general nature and augments the Policy and Procedures contained in the applicable regulations, i.e., General Requirements Section 80019, Foster Family Homes Section 87019, Family Child Care Section 102370, Residential Care Facilities for the Elderly Section 87219, Child Care Centers Section 101170, and Residential Care Facilities for the Chronically Ill Section 87819.

The Caregiver Background Check Bureau has taken steps to ensure that the information in this section is consistent with the applicable laws and regulations. If there is any apparent conflict, the law or regulation will prevail. If you have questions related to any of these general process descriptions, contact the Caregiver Background Check Bureau or Regional County Liaison for clarification.

7-1000 COUNTIES UNDER CONTRACT TO PROVIDE LICENSING SERVICES**7-1000**

All counties under contract to perform licensing functions, per Memorandum of Understanding, are responsible for reviewing criminal record information, investigating relevant arrests **and child abuse possible matches**, and processing requests for exemptions consistent with this section of the Evaluator Manual and as prescribed in Evaluator Manual Section 1-0020, Licensing Responsibilities Performed by the Counties.

In most instances, statements which refer to the Caregiver Background Check Bureau and Community Care Licensing Division's **Regional** Offices are equally applicable to county licensing offices. When there are differences **between** the handling of Community Care Licensing Division and county cases, specific instructions for the county will be included. References to **Program** Investigations and **Program** Investigators are not, however, applicable to counties. **Program** Investigators prepare certain cases for State **Regional** Offices but do not perform investigations for counties under contract with the California Department of Social Services. These investigative responsibilities are assumed by the counties under contract. Any questions about how a case should be handled should be referred to the county liaison in the **Program** Office responsible for that county.

7-1010 QUARTERLY COUNTY EXEMPTION REPORT**7-1010**

County licensing offices must record and report all approved and denied exemptions using the Quarterly County Exemption Report (LIC 9210). The LIC 9210 is available on the California Department of Social Services website at <http://cclid.ca.gov/docs/forms.htm>.

The report must be submitted on a quarterly basis as follows:

<u>Reporting Period</u>	<u>Report Due</u>
January through March	April 7
April through June	July 7
July through September	October 7
October through December	January 7

Separate LIC 9210's are required for Foster Family Homes and Family Child Care Homes. LIC 9210's must be submitted to the Program Office as follows:

Foster Family Homes

Send report to: Children's Residential Program Office
100 Corporate Point, Suite 350, M.S. 29-17
Culver City, CA 90230
Attn.: Manager of Statewide Foster Care Program

7-1010 QUARTERLY COUNTY EXEMPTION REPORT (Continued)**7-1010**

Send an additional copy to your local liaison.

Family Child Care Homes

Send report to: Child Care Program Office
744 P Street, M.S. 19-48
Sacramento, CA 95814
Attn: County Liaison

When completing the LIC 9210, the county should identify itself, the facility type (either Family Child Care Home or Foster Family Home), enter the County Liaison's name and phone number (if known), enter the year, and check the appropriate reporting period. Use the following guidelines when completing the LIC 9210:

Name of Subject: List the subject's name as it appears on the Department of Justice criminal record. It is not necessary to list all of the aliases as reflected on the rap sheet.

Facility Name: Enter the facility name as listed on the license.

Facility Number: Enter the facility number as listed on the license.

Soc. Sec. #: Enter the subject's social security number.

DOB: Enter the subject's date of birth

Reporting Source: Circle the appropriate reporting source, either DOJ or FBI.

*** Type of Exemption:** Using the legend at the bottom of the LIC 9210, identify the type of exemption processed. The types of exemptions are defined in Section 7-1700 of the Criminal Record Background Section in the Evaluator Manual.

Criminal Violation Code/Year of Conviction:

List all of the criminal violation codes for each conviction and year of conviction identified on the rap sheet. Include all convictions from the rap sheet.

****Association with Facility:** Using the Legend at the bottom of the LIC 9210, enter the subject's association with the facility.

7-1015 STATE REVIEW OF THE QUARTERLY COUNTY EXEMPTION REPORT 7-1015

Upon receipt of the LIC 9210 from each county, the program county liaisons will forward a copy to the Caregiver Background Check Bureau, Operations Support Section Manager, at M.S. 19-62, for review. The assigned Caregiver Background Check Bureau analyst will review the reports and will contact the program county liaison, when necessary, to discuss any issues. If necessary, the program county liaison will facilitate getting the county documents supporting the criminal record exemption decision to Caregiver Background Check Bureau for further analysis and review. The program county liaison will note on their copy of the LIC 9210, which cases were reviewed by Caregiver Background Check Bureau. Caregiver Background Check Bureau will follow up on any correction that is needed and will develop and coordinate any training with regard to the correct processing of the exemptions by county licensing staff, with the program county liaison. Caregiver Background Check Bureau will be responsible for conducting training and the program county liaison will coordinate and facilitate them.

The program county liaison will also review the LIC 9210 and contact the county if necessary. In addition to reviewing the LIC 9210 quarterly, the program county liaison will use the LIC 9210's during the on-site county licensing program review to pull a sample of exemption cases that were not previously reviewed by Caregiver Background Check Bureau (10 or 10 % which ever is greater) to review. The program county liaison will also use the sample to check on the accuracy of the LIC 9210's completed by the county.

7-1020 STATE REVIEW OF COUNTY EXEMPTION CASES 7-1020

The California Department of Social Services is authorized by a Memorandum of Understanding with specific counties to conduct periodic reviews of that county's processed criminal record exemptions. This review is necessary to ensure statewide consistency with criminal record clearance and exemption statutes, regulations and policies. The review is one mechanism for monitoring the application of these statutes. Counties must maintain and make available upon request, copies of all denied/approved exemptions. The periodic review of the county processed exemption cases will be conducted by the program county liaison.

7-1100 CRIMINAL RECORD CLEARANCE 7-1100

A criminal record clearance demonstrated by the absence of any criminal conviction, other than a minor traffic violation.

7-1100 CRIMINAL RECORD CLEARANCE (Continued)**7-1100**

Specific individuals, identified by statute and licensing regulations, must submit fingerprints to the Department of Justice and the Federal Bureau of Investigation for the purpose of conducting a criminal background search. An individual who has been convicted of a crime, other than a minor traffic violation, cannot obtain a community care license, nor can they reside in or have contact with persons receiving care in a licensed facility unless granted a criminal record exemption by the licensing agency.

Health and Safety Code Section 1596.871(a) states that no fee shall be charged by the Department of Justice or the California State Department of Social Services for processing the fingerprints of adults associated with children's residential facilities with a capacity of six or fewer and all family child care homes regardless of the capacity. This exemption applies to the Federal Bureau of Investigation processing fees as well. (See Appendix Tab E for Fingerprint Processing Fees).

Facilities exempt from paying the Department of Justice and the Federal Bureau of Investigation fees are:

- Family Child Care Homes
- Small Family Homes
- Group Homes with a capacity of six or fewer
- Foster Family Homes
- Certified Family Homes (certified by Foster Family Agencies)

7-1110 CRIMINAL RECORD STATEMENT (LIC 508)**7-1110**

All license applicants, non-client adult residents, and employees associated with the facility at the time of application must have a criminal record clearance or an approved exemption (Evaluator Manual Section 7-1700, Exemption) prior to licensure. Subsequent to licensure, all persons having contact with or residing in a licensed facility must only submit fingerprints to the Department of Justice and the Federal Bureau of Investigation prior to having contact with clients. Because an individual may begin work or be present in a licensed facility before a response from the Department of Justice and the Federal Bureau of Investigation is received, individuals submitting fingerprints must sign a Criminal Record Statement (LIC 508). This statement requires the individual to disclose any prior convictions. If a District Office becomes aware that the individual has disclosed convictions other than a minor traffic violation, on the LIC 508, the District Office must immediately forward a copy of the LIC 508 and any attached explanation or documentation to the Caregiver Background Check Bureau.

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7-1110 CRIMINAL RECORD STATEMENT (LIC 508) (Continued) 7-1110

Licensing agencies should make sure that the latest revision date of the LIC 508 is available to and used by applicants and licensees. LIC 508s may be ordered through the State warehouse using the Forms Request (LIC 183 for children's facilities and LIC183A for adult facilities).

7-1200 NAME SEARCH 7-1200

A name search is an alternate type of criminal history inquiry that is only conducted for individuals who have a medical problem and/or a disability that prevents them from providing clear fingerprints either manually or electronically.

The Department of Justice will conduct a criminal history inquiry based on available personal identifying data (name, social security number, date of birth etc.) if:

- An individual's fingerprints have been rejected twice and, if applicable, the individual has a cleared Child Abuse Central Index, or
- An individual submits fingerprints with a law enforcement agency verification that the individual is unable to provide legible prints and, if applicable, the individual has a cleared Child Abuse Central Index.

The Department of Justice will send the contributing agency a rap sheet if the name search revealed a conviction or arrest. If the name search does not reveal a conviction or arrest the Department of Justice will send a "Notification of No Criminal History" letter to the individual and to the contributing agency.

County licensing agencies must send a notification letter to the individual. For State licensed facilities, the Caregiver Background Check Bureau will enter the clearance on the Licensing Information System.

The licensing agency will not receive subsequent arrest or conviction information for individuals issued a "clearance" based on a name search.

7-1300 FEDERAL BUREAU OF INVESTIGATION 7-1300

The Health and Safety Code requires that all individuals, subject to a criminal record review, obtain a Federal Bureau of Investigation clearance in addition to the California clearance obtained through the Department of Justice.

7-1300 FEDERAL BUREAU OF INVESTIGATION (Continued)**7-1300**

The Statute allows the licensing agency to approve a license if all licensing requirements have been met and only the Federal Bureau of Investigation response is outstanding. However, if the individual discloses a conviction on the Criminal Record Statement (LIC 508), the person may not be licensed until all criminal background issues are resolved, including receipt and resolution of the Federal Bureau of Investigation check. If a facility is licensed based upon the Department of Justice clearance and no disclosures on the Criminal Record Statement, and later a Federal Bureau of Investigation rap sheet is received indicating an arrest(s), the licensing agency must investigate the underlying facts of the arrest as outlined in Section 7-1811, Investigating Arrest-Onlys. If the Federal Bureau of Investigation rap sheet contains a conviction, the licensing agency must process it as an initial or subsequent conviction as applicable (Section 7-1820, Subsequent Convictions).

Children's residential facilities with a capacity of six or less and all family child care homes are exempt from the Federal Bureau of Investigation processing fee.

7-1400 CHILD ABUSE CENTRAL INDEX**7-1400**

Health and Safety Code Sections 1522.1 and 1596.877 require that the Child Abuse Central Index be checked prior to issuing a license to care for children or otherwise approving any individual to care for children. Individuals required to submit fingerprints for the purpose of a criminal background check for child care must also submit a Child Abuse Central Index form (LIC-198A for Community Care Licensing Division licensed facilities or LIC-198 for County licensed facilities) and the appropriate fee to the Department of Justice.

The Department of Justice will conduct a search of the Child Abuse Central Index and respond with one of the following:

1. "Possible match."
2. "Unable to confirm a match to any report on file"
3. "No match to any report on file entered as an applicant."

The Department of Justice response time for a Child Abuse Central Index check varies from three days to six to eight weeks.

If the Child Abuse Central Index check was submitted after January 1, 1999, the licensing agency will receive subsequent reports similar to the rap back service for fingerprint check requests. Child Abuse Central Index check requests submitted prior to January 1, 1999, are only a point in time check. Information regarding Child Abuse Central Index transfers is located in Section 7-1770.

7-1400 CHILD ABUSE CENTRAL INDEX (Continued)**7-1400**

Responses listed as 1) will be entered, by the Caregiver Background Check Bureau, on the Licensing Information System as “Pending Possible Match”. Responses listed as 2) will be entered on the Licensing Information System as “No Match”. Responses listed as 3) will be entered on the Licensing Information System as “Cleared-No Match”. County licensing offices must categorize responses to their inquiries similarly.

For State licensed facilities, Pending Possible Matches are forwarded to the Caregiver Background Check Bureau. The Caregiver Background Check Bureau will notify the individual of the possible match in writing and conduct a preliminary investigation that includes identification, confirmation and obtaining the initial investigation documents from the reporting child protective or law enforcement agency.

The Caregiver Background Check Bureau will clear cases where the underlying investigative facts do not support the allegation of abuse. Allegations of child abuse supported by the underlying facts are referred by the Caregiver Background Check Bureau to the District Office for further investigation. The Caregiver Background Check Bureau will send to the District Office a copy of the Department of Justice response (including the name of the reporting agency), any initial investigative documents and a transmittal sheet to be returned to the Caregiver Background Check Bureau upon completion of the investigation. The District Office **must** conduct the Child Abuse Central Index investigation consistent with Evaluator Manual Section 3-2710.

County licensing agencies **must** confirm identification (See Evaluator Manual Section 7-1410), obtain the initial investigation documents from the reporting child protective or law enforcement agency and conduct a field investigation consistent with Evaluator Manual Section 3-2710.

**7-1410 CHILD ABUSE CENTRAL INDEX IDENTIFICATION
FOR COUNTY LICENSING AGENCIES****7-1410**

The most important aspect of the Child Abuse Central Index Check match investigation is assuring that the person applying to the licensing agency is the same person named on the Department of Justice notification. Positive identification is critical to protect the rights of the person named on the Child Abuse Central Index Check and may avoid wasting time on unnecessary investigations.

When a Child Abuse Central Index Check possible match is received by the licensing agency, the identity of the individual must be confirmed before initiating an investigation. After confirming the subject’s identity, the licensing agency must notify the subject of the Child Abuse Central Index Check possible match and that the licensing agency is conducting an investigation for possible child abuse (BIRS 4).

The notification may be mailed or given only to the subject and must include the name of the reporting agency and report information. The subject must be notified prior to the final investigative findings of the licensing agency. The subject is responsible for contacting the child protection agency to obtain a copy of the report. The licensee may only be told that the licensing agency is conducting a background investigation of a new employee.

**7-1410 CHILD ABUSE CENTRAL INDEX IDENTIFICATION
FOR COUNTY LICENSING AGENCIES (Continued)****7-1410**

The following procedures should be completed when confirming the subject's identity:

1. Check all identifying information on the Child Abuse Central Index Check form and Department of Justice notification to ensure the individual seeking a Child Abuse Central Index clearance with the licensing agency is the person named on the Child Abuse Central Index. Verify the spelling of subject's name, date of birth, and social security number to determine whether the Child Abuse Central Index check and application information match.
2. Contact the reporting agency and involved law enforcement agency for any available reports. Compare any physically identifying information from these reports to the physical description of the individual seeking a Child Abuse Central Index Check clearance, such as:
 - Age
 - Weight
 - Race
 - Hair color
 - Eye and skin color
 - Birthmarks, tattoos, scars

If the identity of the subject is still questionable, contact the subject by telephone or in person. If the contact is by telephone, ensure you are speaking only to the subject named on the Child Abuse Central Index check possible match since the information is strictly confidential. Inform the person that the licensing agency received information from the Department of Justice and that you are giving them an opportunity to provide any information related to the alleged abuse. If the person says nothing, ask, "Have any child abuse reports ever been made against you?" If the person says no, give partial information such as, "Do you remember an incident investigated by _____ on approximately _____?" Identity is confirmed if the person admits something happened on the date indicated, even if the person does not agree with the allegations in the other agencies' report.

Once identification has been confirmed, conduct the investigation consistent with Evaluator Manual Section 3-2710.

7-1420 CHILD ABUSE CENTRAL INDEX FOLLOW-UP PROCEDURE**7-1420**

If eight weeks have passed and the Department of Justice has not responded to the Child Abuse Central Index request, the applicant/licensee may request a follow-up. The applicant/licensee must submit a second LIC-198A or LIC-198 and proof of payment (i.e., copy of a canceled check, bank statement reflecting that the check has cleared or proof from the company issuing the money order). The licensee must indicate on the top right-hand corner of the second request: "Follow-up, Initial Form Submitted on (specify date)." Follow-up requests are given priority by the Department of Justice if eight weeks have elapsed.

7-1500 CRIMINAL RECORD TRANSCRIPT (RAP SHEET)**7-1500**

A criminal record transcript (rap sheet) is a document provided by the Department of Justice or the Federal Bureau of Investigation in response to a request for a criminal record review by the submission of fingerprints. The licensing agency is responsible for reviewing the arrest and conviction information on the rap sheet and as self-disclosed on the Criminal Record Statement (LIC 508).

For initial inquiries, the rap sheet will contain:

- All convictions and their related arrests
- All arrests with pending dispositions verified within the last 30 days
- Arrest information only of specific, serious crimes. These specific crimes are listed in Evaluator Manual Section 7-2100.
- Warrants
- Non-retainable offenses (A non-retainable offense is a local ordinance infraction or a vehicle code violation).

Subsequent rap sheets will contain:

- All convictions and their related arrests
- Arrest information of all crimes (See Evaluator Manual Section 7-1810.) .
- Warrants
- Non-retainable offenses (A non-retainable offense is a local ordinance infraction or a vehicle code violation).

For processing rap sheets with arrest only information, see Evaluator Manual Section 7-1811.

For licensing purposes, statute provides that minor infractions, citations or non-serious arrests that do not involve other persons or major damage to property are not crimes that require an exemption.

If an individual has been convicted of a minor infraction or citation or has a non-serious arrest, the individual may be granted a California Department of Social Services clearance.

In cases, where the individual discloses convictions that do not appear on the rap sheet, the licensing agency must use the self disclosures in lieu of or in addition to the rap sheet. A certified copy of the Judgment of Conviction, however, still must be obtained to verify the conviction(s) if the conviction(s) is grounds for revocation or denial. (See Evaluator Manual Section 7-1734, Judgment of Conviction).

7-1500 CRIMINAL RECORD TRANSCRIPT (RAP SHEET) (Continued)**7-1500**

Review the rap sheet for non-exemptible convictions or felony convictions that require an immediate removal from the facility. If an individual is removed from the facility pending the exemption decision, the licensee and the applicable District Office is notified in writing. (See Evaluator Manual Section 7-1600, Immediate Facility Removal and Evaluator Manual Section 7-1510, Non-Exemptible Convictions).

The rap sheet may note multiple arrests for felonies or misdemeanors, yet not show any conviction or disposition information. Under these circumstances, a Judgment of Conviction or other evidence substantiating the disposition of the arrests, such as the individual's written statement, must be obtained by the licensing agency. (See Evaluator Manual Section 7-1811, Investigating Arrests-Only). The Department may not use the mere fact of a person's arrest to support an administrative action against the individual.

Upon receiving a rap sheet that contains a conviction, that does not meet the simplified exemption criteria, the licensing agency must immediately notify the licensee and the affected individual with separate, concurrent letters indicating the need for an exemption (See Evaluator Manual Section 7-1730, Standard Exemption). The Health and Safety Code specifies that upon notification from the licensing agency, the licensee shall act to either (1) terminate the person's employment, remove the person from the facility; or (2) seek an exemption. (See Evaluator Manual Section 7-1710 Exemption Requests).

Based on policy and procedures approved by the Department of Justice, the licensing agency may discuss all convictions noted on the rap sheet with the subject. It is not necessary to obtain a Judgment of Conviction prior to this discussion. It is also permissible to show the rap sheet to the individual. The rap sheet of an employee shall not be shown to the licensee of the facility or spouse of the affected employee. Licensing staff shall not provide a copy of the rap sheet to the individual or the licensee of the facility. (See Evaluator Manual Section 7-2010, Confidentiality of Criminal History Information). If the person wants to obtain a copy of his or her rap sheet, the person should be directed to contact the Department of Justice.

7-1510 NON-EXEMPTIBLE CONVICTIONS**7-1510**

An individual with a non-exemptible conviction(s) is not eligible to apply for a criminal record exemption. If a license applicant, spouse or dependent family member who resides in the facility has a non-exemptible conviction, the license application must be denied.

The Regional Office must inform the applicant of the denial. The Caregiver Background Check Bureau will telephone the Regional Office and send a written notification (cbcb6.0) of receipt of a rap sheet with a non-exemptible conviction. The Regional Office must use the cbcb6.0 Sample Letter 1, found in the common library as a guide to draft a letter to the applicant.

In addition to the notification, the Caregiver Background Check Bureau will also send a response form that the Regional Office must complete and return to the Caregiver Background Check Bureau within thirty (30) days. The response form tells the Caregiver Background Check Bureau if the applicant is appealing the denial. If the applicant appeals the denial, the Regional Office must send the Caregiver Background Check Bureau the appeal letter, a copy of the LIC 508 (if not previously sent) and a copy of the LIC 200 with the completed response form.

If the denial is based solely on the conviction of the non-exemptible offense, and the applicant appeals, the Caregiver Background Check Bureau will prepare the Statement of Facts.

If an employee has a non-exemptible conviction, the Caregiver Background Check Bureau or the county licensing agency must make a reasonable attempt to contact the licensee by telephone to inform them the individual was convicted of a non-exemptible crime and must be immediately excluded from the facility. The Caregiver Background Check Bureau or the county licensing agency must follow-up the telephone call with separate, concurrent letters (cbcb 6.1) to the licensee and the individual notifying them that the individual's crime is non-exemptible and that they must be excluded from the facility.

7-1510 NON-EXEMPTIBLE CONVICTIONS (Continued)**7-1510**

If the facility is a Family Child Care Home, the licensing agency must:

- complete a Family Child Care Home - Notification of Parent's Rights Addendum to Exclude (LIC 995B)
- send a copy of the form to the licensee with the exclusion letter.
- file a copy of the LIC 995B in the individual's criminal background file.
- for state licensed facilities, the Caregiver Background Check Bureau will send a copy of the LIC 995B and the exclusion letter (cbcb 6.1) to the Regional Office.

Use the list in Evaluator Manual Section 7-2100 to determine if the individual's offense is considered non-exemptible. If the offense does not appear on the non-exemptible list, the individual has the right to apply for an exemption. See Evaluator Manual Section 7-1710 Exemption Requests.

Special consideration must be given to an individual convicted of indecent exposure (Penal Code Section 314.1). An indecent exposure conviction is considered a non-exemptible conviction if the court required the convicted individual to register as a sex offender under Section 290 of the Penal Code. A subject convicted of indecent exposure may or may not be required to register as a sex offender under Section 290 of the Penal Code. The court considers the facts surrounding the crime when determining if registration is warranted. Therefore, the licensing agency must verify with the court whether the convicted individual is required to register before making a final non-exemptible determination.

7-1520 FELONY CONVICTIONS**7-1520**

A felony is an entry on the rap sheet stated as such or identified by the imposed sentence – "punishable by state prison". An individual with a felony conviction(s) must be removed from the facility during the exemption process (See Evaluator Manual Section 1-1410, Employee Actions and Evaluator Manual Section 7-1600, Immediate Facility Removal).

The licensing agency must make a reasonable attempt to notify the licensee by telephone that the individual has a felony conviction and must be removed from the facility until an exemption decision is rendered. The licensing agency must follow-up the telephone call with separate, concurrent letters (cbcb 3) to the licensee and the individual notifying them that the individual has a felony conviction and that they must be excluded from the facility until an exemption is approved.

7-1520 FELONY CONVICTIONS (Continued)**7-1520**

If the facility is a Family Child Care Home, the licensing agency must:

- complete a Family Child Care Home - Notification of Parent's Rights Addendum to Exclude (LIC 995B)
- send a copy of the form to the licensee with the exclusion letter.
- file a copy of the LIC 995B in the individual's criminal background file.
- for state licensed facilities, the Caregiver Background Check Bureau will send a copy of the LIC 995B and the exclusion letter to the district office.

If the individual is a licensee, certified foster parent, or a spouse of the licensee or certified foster parent, and the licensed facility or certified foster home is their own place of residence, they cannot be excluded or removed. In this instance, the licensing agency must consult with legal on a possible Administrative Action.

7-1530 MISDEMEANOR CONVICTIONS**7-1530**

A misdemeanor conviction may be stated on the rap sheet as such or identified by the sentence, "punishable by jail or fine". The licensing agency determines if the convicted person (misdemeanor conviction) shall be allowed to remain in the facility while the exemption request is being evaluated. The determination whether to allow the person to remain in the facility depends on the severity of the crime (such as a crime of violence), potential risk to clients (drug or theft offenses for an elderly facility employee, for example), and the recency of the offense.

The licensing agency may exclude an individual with a misdemeanor conviction if the licensing agency believes the individual poses a potential risk to the clients in the facility. If the person is excluded from the facility during the exemption process, the licensee and affected individual are notified concurrently via separate letters (cbcb 3).

If a criminal record report contains nonviolent misdemeanor conviction(s), and the licensing agency determines that the person may remain in the facility pending the exemption decision, the licensee and the affected individual must be notified concurrently via separate letters (cbcb 2).

Both letters inform the licensee and the individual that the individual has a conviction and that a criminal record exemption is required. The letters also inform the licensee and the individual that the individual may continue to be present in the facility while the exemption request is being evaluated (See Evaluator Manual Sections 7-1720 through 7-1737 for information on exemptions).

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7-1540 DIVERSION/DEFERRED ENTRY OF JUDGEMENT**7-1540**

Diversion or Deferred Entry of Judgement is an opportunity afforded by the court to the individual to participate in a work program, educational program, or rehabilitative counseling to avoid a criminal conviction. If diversion or deferred entry of judgement is the only entry on the rap sheet, determine whether the program was successfully or unsuccessfully completed. Until the subject has successfully completed the program, the licensing agency has the authority to investigate and take appropriate action through an “arrest only” investigation. Since participation in a diversion program does not require an admission of or finding of guilt, obtain information relative to the arrest and participation in the diversion program.

The successful or unsuccessful completion of diversion is not always clearly indicated on the rap sheet. When diversion is “terminated” it can be either a successful or unsuccessful completion.

Upon successful completion of a diversion program, the arrest upon which the diversion was based shall be deemed to have never occurred. The divertee may indicate in response to any question concerning his or her prior criminal record that he or she was not arrested or diverted for the offense. The licensing agency will not investigate successfully completed diversion.

A record pertaining to an arrest resulting in successful completion of a diversion program shall not, without the divertee's consent, be used in any way that could result in the denial of employment, benefit, license or certificate (Penal Code Section 1000).

- A. If diversion was successfully completed:
 - 1. The person is no longer subject to investigation by the licensing agency.
 - 2. The information cannot be used to pursue conduct inimical.
 - 3. The licensing agency cannot consider the arrest or diversion information during the exemption decision process.
- B. If diversion is still pending (not yet completed), the licensing agency may use and consider the arrest and the nature of participation in the diversion program as part of an arrest-only investigation.
- C. If diversion was terminated due to the person *not* successfully completing the program, the rap sheet should indicate “terminated, criminal proceeding reinstated.” In the case of unsuccessful completion, both the crime *and* the nature of the subject’s participation in the diversion program may be considered in the processing of the exemption request. A determination must be made whether the person was then convicted or if the charges are still pending.

Counties may seek the assistance of their Legal Consultant at the California Department of Social Services Legal Division for the application of diversion related entries on criminal history reports.

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**7-1550 EXPUNGED, PARDONS, SET-ASIDE/DISMISSED
AND NOLO CONTENDERE PLEAS****7-1550**

The denial of an exemption cannot be based on the record of a criminal conviction that has been expunged or pardoned. Such a denial is not authorized by statute and is prohibited by law. If in doubt about the status of the conviction, call Legal.

However, convictions that have been set aside or dismissed per **Section 1203.4 or 1203.4a** of the Penal Code are still considered convictions for exemption processing purposes pursuant to these Penal Code Sections and the Health and Safety Code. When the court sets aside or dismisses convictions based on these Penal Code Sections it could mean for example, that the convicted individual has satisfactorily fulfilled the probation and has applied to the court to set aside/dismiss the plea and/or the verdict. It does not mean that the individual was never convicted of the crime.

Any conviction rendered as a result of a *nolo contendere* plea shall be considered a conviction and evaluated pursuant to standard policies and procedures.

7-1600 IMMEDIATE REMOVAL FROM FACILITY**7-1600**

If a rap sheet contains a conviction, the licensing agency must determine if the affected individual can continue to be present in the facility during the exemption process. The Statute requires that all individuals convicted of a non-exemptible crime, (See Evaluator Manual Section 7-2100) should be immediately removed from the facility. Individuals convicted of a non-exemptible crime, and the licensee of the facility they are associated with, must be sent a letter informing them that the individual's conviction is non-exemptible (cbcb 6.1).

Individuals convicted of a felony that is exemptible must be removed pending an exemption decision. These individuals, and the licensee of the facility they are associated with must be sent a letter informing them that an exemption must be obtained before the individual can return to the licensed facility (cbcb 3).

For either situation noted above, if the individual is associated with a Family Child Care Home, the licensing agency must:

- complete a Family Child Care Home - Notification of Parent's Rights Addendum to Exclude (LIC 995B)
- send a copy of the form to the licensee with the exclusion letter.
- file a copy of the LIC 995B in the individual's criminal background file.
- for state licensed facilities, the Caregiver Background Check Bureau will send a copy of the LIC 995B and the exclusion letter to the district office.

7-1600 IMMEDIATE REMOVAL FROM FACILITY (Continued)**7-1600**

Removals are not limited to persons with felony convictions. In limited cases, an individual with a misdemeanor who poses a risk to clients because of the seriousness, recency, and/or pattern of the crime may be removed from the facility pending an exemption decision. However, the removal must be approved by a supervisor or manager. (See Evaluator Manual Section 7-1510 for Non-exemptible Convictions, Evaluator Manual Section 7-1520 for Felony Crimes which require immediate removal, and Evaluator Manual Section 7-1740 Notification of the Exemption Decision).

If an individual is employed by a facility that is part of a larger compound, the individual can only be removed from the portion of the compound that is licensed by Community Care Licensing Division or placed in other employment that would not require that the person be fingerprinted.

7-1700 EXEMPTION**7-1700**

Simply defined, an exemption is a Department authorized written document that “exempts” an individual from the requirement of having a criminal record clearance (Evaluator Manual Section 7-1100, Criminal Record Clearance).

7-1700 EXEMPTION (Continued)**7-1700**

An individual who has been convicted of a crime (other than a minor traffic violation) is disqualified from holding a license or being present in a licensed facility unless the individual is granted a criminal record exemption by the licensing agency. An exemption may be granted if the individual presents the licensing agency with substantial and convincing evidence to support a reasonable belief that the person is of good character and is not a threat to the well being of clients.

Persons convicted of certain serious crimes specified in statute are not permitted to obtain an exemption. These convictions are considered non-exemptible (See Evaluator Manual Section 7-1510 Non-exemptible Convictions, and Evaluator Manual Section 7-2100 for Non-exemptible Crimes Listings). Individuals convicted of crimes that are not classified as non-exemptible have the right to apply for an exemption.

The following are the four types of exemption processes used by the Community Care Licensing Division:

Simplified Exemption - The simplified exemption process is used to review non-violent misdemeanors unrelated to the operation of a facility or the well-being of clients. It may entail only an examination of the convicted person's rap sheet. This type of review does not necessarily include the involvement of the individual and/or licensee. (See Evaluator Manual Section 7-1720, Simplified Exemption).

Standard Exemption - The standard exemption process is used to evaluate all felony convictions and those misdemeanors that do not qualify for a simplified exemption. This process requires contacting the applicant/licensee and the affected individual concurrently to inform them that a criminal record clearance has not been obtained and that an exemption is required. If an exemption is desired, the applicant/licensee must request one in writing and submit the required documentation as specified in Evaluator Manual Section 7-1730, Standard Exemption.

Individual Exemption - If the licensee elects not to pursue an exemption on behalf of an affected individual and terminates the individual's employment, the affected individual may request an individual exemption on their own behalf. However, an individual associated with a Foster Family Agency may not apply for an individual exemption unless they are an employee of the Foster Family Agency, i.e., a social worker, office worker. An approved individual exemption is valid for two years without a facility association (except administrator certificate holders). A licensing agency may associate the individual to a facility upon receipt of a written request from the hiring licensee/applicant. The decision to associate should be based upon the criteria governing transfer of an exemption, i.e., position responsibilities, type of clients. (See Evaluator Manual Section 7-1770 Exemptions Transfers).

7-1700 EXEMPTION (Continued)**7-1700**

Conditional Exemption - A conditional exemption places a restriction or condition on an approved standard exemption request which limits client contact or restricts their role in some way, e.g., individual is not to dispense prescription medications to a client or not to transport clients. Prior to granting a conditional exemption, the licensing agency must contact the licensee to discuss the parameters of the conditional approval and obtain their agreement with the terms. The licensee/individual may appeal the restriction or terms of conditional approval. (See Evaluator Manual Section 7-1760, Appeal of the Exemption Decision).

7-1710 EXEMPTION REQUESTS**7-1710**

An exemption request is a written statement obtained from the applicant or licensee on behalf of the affected individual they have employed or from the individual on their own behalf requesting to be exempted from the statutory disqualification from obtaining a license, residing in or being employed in a licensed facility. An exemption request is required for all exemptions except a simplified exemption. An exemption request is not considered complete until all requested support documents have been submitted.

7-1720 SIMPLIFIED EXEMPTION**7-1720**

The simplified exemption process is a review based only on the examination of the convicted person's rap sheet. This process is designed to expedite the exemption decision by the licensing agency on criminal records that appear to have no impact on the operation of a licensed facility or threat to its clients. The licensing agency has discretion to require a criminal record exemption using the standard exemption process even if the conviction(s) meet the simplified exemption criteria. If there is any doubt, require use of the standard process. The simplified exemption review does not necessitate the involvement of either the individual or the licensee.

The simplified exemption process can only be used for approvals. If an exemption is to be denied, it can only be done after a review of all the required documentation that is a part of the standard exemption process. (See Evaluator Manual Section 7-1730, Standard Exemption).

Use of the simplified process requires documentation indicating how the case met the guidelines listed below. A check list or equivalent may be used for this purpose. The documentation should specify that the exemption is being granted based on examination of the rap sheet only. The licensing agency must notify the licensee of the approval by letter (cbeb 4.4 or 4.1). See Evaluator Manual Section 7-1740, Notification of the Exemption Decision.

7-1720 SIMPLIFIED EXEMPTION (Continued)**7-1720**

A simplified exemption process may be used when all Simplified Exemption Approval Criteria are met.

Simplified Exemption Approval Criteria:

- A. The individual has been convicted of one misdemeanor conviction of driving while under the influence of alcohol with no injury to others and it has been at least three years since the completion of the most recent period of incarceration, probation or parole, or
- B. The individual has been convicted of two or fewer misdemeanors listed below and it has been at least three years since the completion of the most recent period of incarceration, probation or parole, or
- C. The individual has been convicted of three misdemeanors listed below and it has been at least ten years since the completion of the most recent period of incarceration, probation or parole.
- D. There is no indication of behavioral problems or potential threats that could endanger the health and safety of clients, e.g., frequent arrests or complaints. The licensing agency cannot use *arrests* as a formal basis for denial but can investigate serious arrests to evaluate the facts surrounding the arrest to determine if action should be considered under “conduct inimical” provisions. The simplified exemption process should not be used if the licensing agency is conducting a serious arrest investigation.
- E. There is no demonstrated pattern of crimes resulting from impaired judgment or questionable behavior.

Misdemeanor crimes eligible for a simplified exemption:

- * Vandalism
- * Perjury
- * Welfare Fraud
- * Trespassing
- * False identification to a police officer
- * Petty Theft
- * Any misdemeanor that does not involve injury or harm to other persons

7-1720 SIMPLIFIED EXEMPTION (Continued)**7-1720**

The simplified exemption process can not be used in the following situations:

- If there is any conviction within the preceding three years. (If a violation involved Juvenile Court conviction while the person was under the age of 18 years, it cannot be used as a basis to deny an application or prohibit employment.)
- If there is any serious arrest within the last three years that meets the investigation criteria.
- If the individual has any felony convictions.
- Though not indicated, it appears that the crime is a felony based on the sentence. If during the standard exemption process it becomes evident that the crime was a misdemeanor and other simplified exemption criteria is met, you may revert to the simplified exemption process.
- The rap sheet indicates that the individual was initially charged with a felony crime but the charge was reduced and the person was subsequently convicted of a misdemeanor.
- The individual is currently on probation or parole.
- The individual already has an exemption for another conviction(s).

7-1730 STANDARD EXEMPTION**7-1730**

The standard exemption process requires the compilation and evaluation of relevant information that would support the approval or denial of an exemption request. A decision can only be made after all required documentation has been received.

The following documentation is required to initiate a consideration of a standard exemption:

1. A description of the capacity in which the individual will be associated with the licensed facility.
2. A written request from the licensee/applicant on behalf of the individual.
3. A written request from the affected individual on his/her own behalf if the licensee chooses not to request an exemption and terminates the individual from employment.
4. A signed copy of the original Criminal Record Statement (LIC-508).

7-1730 STANDARD EXEMPTION (Continued)**7-1730**

5. A written statement signed by the individual describing the events surrounding each conviction including the approximate date, what happened, why it happened, and any other information he/she feels is important about the crime. The individual shall also address what he/she has done or how his/her life has changed to prevent him/her from committing this type of offense again.
6. Verification of any training, educational classes, therapy, counseling sessions or other supporting information such as a Certificate of Rehabilitation.
7. Three signed character reference letters including the telephone number and address of the person writing the letter. Character reference letters must be current and cannot be from the individual's relatives or family members nor from employees associated with the licensed facility. The character reference letters must be dated.
8. The individual's current mailing address and telephone number.

If the individual is a license applicant or a licensee and the conviction is grounds for denial of an application or revocation of a license, a certified copy of the Judgement of Conviction must be obtained during to the denial or revocation action.

If the individual is an employee or a person residing in the facility who is not related to the licensee and the convictions on the rap sheet have been verified through the individual's written statement, it is not necessary to obtain a Judgement of Conviction prior to denying an exemption. However, a Judgement of Conviction needs to be ordered at the time the exemption is denied in case the person requests a hearing.

If verification is not obtained through the individual's written statement, an individual may be excluded or an exemption denial may be initiated based on the contents of the rap sheet alone. However, the licensing agency must *subsequently* obtain the Judgement of Conviction to verify the rap sheet.

In many cases, licensing agencies have been unsuccessful in obtaining the Judgement of Conviction from the court where the person was convicted. This problem may be due to the court's refusal to respond to the letter of request, the court no longer having the Judgement of Conviction on file, or the information on the rap sheet being so vague that it is impossible to determine in what court system the person was convicted. You may also contact the Department of Justice to obtain a "Certified Disposition of Arrest" form to confirm conviction information if the Judgement of Conviction is no longer available.

7-1730 STANDARD EXEMPTION (Continued)**7-1730**

Should the individual refuse or fail to submit a complete statement that addresses all of the convictions noted on the rap sheet, the exemption may be denied based on the person's refusal to cooperate.

7-1731 EVALUATION**7-1731**

The licensing agency must evaluate each exemption request according to criteria contained in Health and Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871 as well as Regulations Sections 80019, 87019, 87404, 87819, 101170 and 102370.

There are several factors that may be considered in determining if the person should be allowed to operate a facility or have contact with clients in care.

1. Type of crime (See 7-1732).
2. Nature of the crimes (See 7-1733).
3. Recency of conviction (See 7-1735 Decision Guidelines).
4. Circumstances surrounding the crime.
5. Frequency of crimes.
6. Types of children or residents to be served.
7. Do the individual's convictions demonstrate a pattern which may be detrimental to the clients in the facility?
8. The individual's position or relationship to the facility, i.e., licensee, spouse, employee.
9. Type of facility - day care or residential.
10. Present status of the individual, i.e., pursuing education, performing community activities.
11. Recommendation of the parole or probation officer. Did the individual successfully complete probation? Did the individual make restitution?
12. Certificate of Rehabilitation.
13. Character references.

7-1731 EVALUATION (Continued)**7-1731**

14. Does the individual's explanation of the conviction demonstrate remorse, honesty and integrity?

The decision to approve or deny an exemption must be based upon a comprehensive review of all available information, and the information specified in Section 7-1730, Standard Exemption.

To approve an exemption, the licensing agency must eliminate the possibility of potential risk or threat to clients in care. If the licensing agency is unable to eliminate potential risk and establish "good character," the exemption must be denied. Factors such as lack of remorse, honesty, integrity or education, etc., are not automatic grounds for denial if there is other convincing evidence to grant an exemption. In all cases, the rationale for the decision must be thoroughly documented in writing in the exemption case file.

Use this step-by-step process to review a standard exemption request: (This process assumes that a standard exemption was requested containing the information specified in Section 7-1730, Standard Exemption).

1. Carefully review the convictions while considering the client population. First, consider the role and responsibilities of the individual. Assess their sphere of influence at the facility and potential opportunity to harm clients. Do the convictions warrant special consideration given the relationship of the individual to the clients? For example, an individual with a recent driving under the influence conviction or a history of drug convictions would not be suitable for transporting clients or dispensing medications. An individual with theft related convictions would not be suitable for providing care to elderly adults with vulnerable private property.
2. Again reconfirm that the individual was not convicted of a non-exemptible crime. An individual convicted of a non-exemptible crime may not be considered for an exemption. It may be difficult to determine whether a conviction is non-exemptible because of a changed or repealed Penal Code number. If this is the case, counties must contact their county liaison or their Legal Consultant at the California Department of Social Services Legal Division for clarification. In addition, consider ordering a Judgement of Conviction.
3. A recent arrest without a disposition may be investigated because conviction information does not always appear on rap sheets. Contact the court and/or the individual to obtain conviction or disposition information. Serious arrests must be investigated according to the process described Evaluator Manual Section 7-1811, Investigating Arrest-onlys. Also see the list of Serious Arrest Onlys Requiring Investigation in Evaluator Manual Section 7-2100.

7-1731 EVALUATION (Continued)**7-1731**

4. Determine the status of outstanding warrants on a rap sheet. Local police departments or the individual can provide information on its status. Inform the individual that the warrants appeared on the rap sheet and that they must be cleared or resolved. Do not issue an exemption to an individual with an outstanding warrant.
5. Did the individual's written statement or Criminal Record Statement (LIC 508) accurately reveal their criminal history?
 - Evidence that the individual falsified or failed to disclose information on the Criminal Record Statement must be weighed heavily in the final exemption decision.
6. Review each conviction closely. Request arrest reports as necessary to verify the accuracy of the individual's explanation and to obtain details surrounding the crime.
 - Does the individual's explanation support or contradict the arresting officer's report?
 - Has the individual honestly revealed the circumstances surrounding their convictions?
 - Was the individual convicted of one or more violent crimes?
 - Are the convictions recent? How long ago? (See Section 7-1741 Exemption Decision Guidelines).
 - Is there a pattern of repeat violations?
 - At what age were the crimes committed?
 - Were the convictions victimless without potential danger?
 - Was there a victim? Was there impaired judgement, or a violation of trust?
7. Does the individual possess a Governor's Pardon? If yes, proceed no further on that conviction.
8. Did the individual successfully complete probation or parole?
 - Is the parole or probation officer willing to make a recommendation?
9. Did the individual successfully complete court-ordered counseling or therapy?

7-1731 EVALUATION (Continued)**7-1731**

10. Was the individual required to make restitution?

- What is the restitution status?

11. Carefully read the character references.

- Consider the source of the character reference.
- Is it from a reputable source? A character reference from a relative or licensee is not acceptable.
- Does the person state that they are aware of the individual's criminal history and do they still feel the individual is O.K.?
- Contact character references to substantiate any questionable references.
- Character references should also include an address, telephone number, date and original signature.
- Generic character reference letters may be questioned and may delay the exemption decision.

12. What has the individual done since their last conviction to demonstrate rehabilitation and "good character?"

- Has the individual been gainfully employed?
- Has the individual voluntarily participated or completed therapy, i.e., substance abuse counseling, domestic violence counseling, Alcoholics Anonymous, Narcotics Anonymous, etc.?
- Has the individual returned to school?
- Is there compelling evidence to support rehabilitation?

13. Has the individual accepted responsibility and demonstrated remorse for their previous convictions?

7-1731 EVALUATION (Continued)**7-1731**

14. Contact the individual if you have any questions or need for additional information.

- Keep a written record of all conversations.
- Ask the individual to provide any missing information.
- Does the individual speak honestly about their past?

15. If the individual does not qualify for a standard exemption, does the individual qualify for a conditional exemption? (See Section 7-1710, Exemption Requests)

7-1732 TYPE OF CRIME**7-1732**

Check the action section of the rap sheet (right hand column) to determine whether a conviction was a misdemeanor or felony. If still in doubt, check the appropriate code book (e.g., Penal Code, Health and Safety Code, etc.) to determine the sentence that can be given. If it is for confinement in state prison, the individual was convicted of a felony. If the individual was sentenced to the county jail with no probation, the person was generally convicted of a misdemeanor. If the probation is longer than three years, the person was most likely convicted of a felony. When in doubt, the licensing agency should consult with Legal.

It is possible that an individual could have been charged initially with a serious felony offense, but he/she could have been subsequently convicted of a lesser crime. For example, a person may have been initially charged with attempted murder and subsequently pled guilty and was convicted of an assault charge. The licensing agency may take action (application denial, revocation, temporary suspension, temporary restraining order, or exclusion) based upon conviction or arrest (conduct inimical) information after arrest only investigation or facts proven during an arrest only investigation. However, a decision to deny an exemption must be based on conviction information only. (See Evaluator Manual Enforcement Actions, Administrative Actions Section 1-1000)

7-1733 NATURE OF CRIMES**7-1733**

Compare the Penal Code number for each conviction and arrest in the action column (or disposition column on older rap sheets) with the corresponding number in the appropriate code book to determine the nature of the charges that was made.

Crimes can be categorized as:

- Against property (e.g., disturbing the peace, fraud, etc.)

7-1733 NATURE OF CRIMES (Continued)**7-1733**

- Crimes Against persons (e.g., assault and battery, rape, molestation, etc.)
- Victimless (e.g., driving without a license, Section 12500(a) Vehicle Code), or
- Resulting from impaired judgment (e.g., driving under the influence of alcohol or drugs).

7-1734 JUDGMENT OF CONVICTION**7-1734**

A Judgment of Conviction is a document maintained by the court that documents the finding that a person is guilty or not guilty of a crime and contains information on any sentence or fine. It may also indicate the reasons why the person was not convicted.

A *certified* copy of the Judgement of Conviction must be obtained when the licensing agency plans to deny an exemption request, application or revoke a license based on an individual's criminal record or self disclosed convictions. It is not necessary to obtain a Judgement of Conviction prior to denying employment or residence in the facility, if verification of convictions listed on the rap sheet has been obtained through a written statement by the subject individual.

The certified Judgement of Conviction may be obtained by requesting the document from the Office of the County Court Clerk in the county where the person was convicted. The specific county is usually noted in the agency column of the rap sheet. If the conviction occurred outside of California, attempt to identify the appropriate out-of-state agency and request a copy of the Judgement of Conviction.

Because the Judgement of Conviction report is a public record, the conviction noted in the report may be discussed with those persons who have a specific need to know, e.g., the licensee, administrator, or affected employees. (See Evaluator Manual Section 7-2010, Confidentiality of Criminal History Information for additional information on confidentiality).

A court may refuse to respond to the licensing agency's letter of request because the information on the rap sheet is so vague that it is impossible to determine in what court system the person was convicted. If unable to obtain a Judgement of Conviction and the subject does not admit to the conviction in writing, a licensing agency may obtain certified copies of disposition information by contacting the Department of Justice, Bureau of Criminal Identification and Information, Keeper of Records. The Department of Justice will provide this information if the stated purpose is for an "administrative law hearing only." You may contact your Legal Consultant at the California Department of Social Services Legal Department if you are unable to obtain a Judgement of Conviction for someone previously in prison.

7-1734 JUDGMENT OF CONVICTION (Continued)**7-1734**

If the Department obtains information that a conviction actually occurred during the course of an arrest investigation, the Judgment of Conviction and other supporting documentation should be attached with the Arrest-only Investigation Transmittal and returned to the analyst handling the case. For Counties, they must process this newly discovered conviction pursuant to Evaluator Manual Section 7-1820 - Subsequent Convictions.

7-1735 DECISION GUIDELINES**7-1735**

The following guidelines can also be found in chart format in Evaluator Manual Section 7-1736.

An individual with three or fewer non-violent misdemeanors may be considered for an exemption only after they have completed the last period of probation or parole and one year. An exception to this guideline must formally approved by a Section Manager.

An individual with four or more non-violent misdemeanors may be considered for an exemption only after they have completed the last period of probation or parole and four years. An exception to this guideline must be formally approved by a Section Manager.

An individual with one violent misdemeanor may be considered for an exemption only after they have completed the last period of probation or parole and four years. An exception to this guideline must be formally approved by a Bureau Chief.

An individual with two or more violent misdemeanors may be considered for an exemption only after they have completed the last period of probation or parole and seven years. An exception to this guideline must be formally approved by a Bureau Chief.

* An individual with two or fewer non-violent felonies may be considered for an exemption only after they have completed the last period of probation or parole and four years. An exception to this guideline must be formally approved by a Bureau Chief.

* An individual with three non-violent felonies may be considered for an exemption only after they have completed the last period of probation or parole and seven years. An exception to this guideline must be formally approved by a Bureau Chief.

* An individual with four or more non-violent felonies may be considered for an exemption only after they have completed the last period of probation or parole and ten years. An exception to this guideline must be formally approved by a Bureau Chief.

* An individual with two or fewer violent felonies may be considered for an exemption only after they have completed the last period of probation or parole and ten years.

7-1735 DECISION GUIDELINES (Continued)**7-1735**

- * An individual with three or more violent felonies may be considered for an exemption only after they have completed the last period of probation or parole and 20 years. An exception to this guideline must be formally approved by a Bureau Chief.
- * Exemption approvals involving any felony conviction require a second level approval of a designated supervisor or manager.

7-1736 EXEMPTION DECISION GUIDELINE CHART

7-1736

	<u>Non Violent Misdemeanor</u>	<u>Violent Misdemeanor</u>	<u>Non Violent Felony</u>	<u>Violent Felony</u>
	Not Removed pending an exemption decision (See Section 7-1600).	Removed pending an exemption decision (see Section 7-1600).	Removed pending an exemption decision (see Section 7-1600). Exemption approvals require a second level written approval of a supervisor or manager.	Removed pending an exemption decision (see Section 7-1600). Exemption approvals require a second level written approval of a supervisor or manager.
An individual may be considered for an exemption after they have completed the last period of probation or parole and 1 year.	3 or fewer An exception to the guideline must be formally approved by a Section Manager.			
An individual may be considered for an exemption after they have completed the last period of probation or parole & 4 years.	4 or more An exception to the guideline must be formally approved by a Section Manager.	1 An exception to the guideline must be formally approved by the Bureau Chief.	2 or fewer An exception to the guideline must be formally approved by the Bureau Chief.	
An individual may be considered for an exemption after they have completed the last period of probation or parole & 7 years.		2 or more An exception to the guideline must be formally approved by the Bureau Chief.	3 An exception to the guideline must be formally approved by the Bureau Chief.	
An individual may be considered for an exemption after they have completed the last period of probation or parole & 10 years.			4 or more An exception to the guideline must be formally approved by the Bureau Chief.	2 or fewer An exception to the guideline must be formally approved by the Bureau Chief.
An individual may be considered for an exemption after they have completed the last period of probation or parole & 20 years.				3 or more An exception to the guideline must be formally approved by the Bureau Chief.

7-1740 NOTIFICATION OF THE EXEMPTION DECISION**7-1740**

The Caregiver Background Check Bureau will use the following procedures when notifying an individual of the exemption decision:

A. Approval

Standard – Notification of a standard exemption approval is sent to the licensee only. Use the appropriate Caregiver Background Check Bureau approval letter format (cbcb 4.0, 4.01, 4.1 or 4.11).

If the individual was excluded from a Family Child Care Home, pending the exemption:

- complete a Family Child Care Home - Notification of Parent's Rights Addendum to Reinstate (LIC 995C)
- send a copy of the form to the licensee with the exemption approval letter.
- file a copy of the LIC 995C in the individual's exemption case file.

Individual – Notification of an *individual* exemption approval is sent to the individual only. Use the appropriate Caregiver Background Check Bureau individual approval letter format (cbcb 21).

Simplified – Notification of a simplified exemption approval is sent to the licensee only. Use the appropriate Caregiver Background Check Bureau approval letter format (cbcb 4.0 or 4.1). See Evaluator Manual Section 7-1720, Simplified Exemption.

B. Denial

Standard – Notification of a standard exemption denial is sent to the licensee, the affected individual, the **Regional** Office and the **Program** Office. Use the appropriate Caregiver Background Check Bureau denial letter format (cbcb 5.1, or 5.2). The Caregiver Background Check Bureau letters contain instructions for appealing the exemption denial. (See Evaluator Manual Section 7-1760, Appeal of the Exemption Decision).

7-1740 NOTIFICATION OF THE EXEMPTION DECISION (Continued)**7-1740**

Individual – Notification of an *individual* exemption denial is sent to the individual only. Use the Caregiver Background Check Bureau individual denial letter format (cbcb 22).

Applicant – If the Caregiver Background Check Bureau denies the exemption of an applicant, spouse or a dependent family member who will reside in the facility, the license application must be denied. The Caregiver Background Check Bureau will inform the Regional Office that is processing the license application by letter (cbcb 5.0 Unified Appeal).

The Regional Office must inform the applicant of the denial. The Regional Office must use cbcb5.0 Sample Letter 1 found in the common library as a guide to draft a letter to the applicant.

In addition to the notification, the Caregiver Background Check Bureau will also send a response form that the Regional Office must complete and return to the Caregiver Background Check Bureau within sixty (60) days. The response form tells the Caregiver Background Check Bureau if the applicant is appealing the denial. Please see Evaluator Manual, Background Check Procedures, Section 7-1760, Appeal of the Exemption Denial.

County licensing office must perform all steps.

Licensee/Family Member - If the Caregiver Background Check Bureau denies, cancels or rescinds the exemption of a licensee, spouse or a dependent family member whose place of residence is the licensed facility, the license must be revoked. The Caregiver Background Check Bureau will inform the Regional Office by telephone and letter (cbcb 5.0 Unified Appeal).

The Regional Office must inform the licensee of the revocation. The Regional Office must use cbcb5.0 Sample Letter 2 found in the common library as a guide to draft a letter to the licensee.

In addition to the notification, the Caregiver Background Check Bureau will also send a response form that the Regional Office must complete and return to the Caregiver Background Check Bureau within sixty (60) days.

7-1750 STATUTORY CITATIONS FOR FAILURE TO REMOVE**7-1750**

In cases where a licensee continues to permit an individual, whose exemption was denied, to work or reside in a facility, the licensing agency shall issue a citation on a Licensing Report (LIC 809) regarding the facility's noncompliance.

7-1750 STATUTORY CITATIONS FOR FAILURE TO REMOVE (Continued) 7-1750

The following Health and Safety Code Sections may be used:

1. If the licensee fails to exclude the person in response to an exemption needed letter, the person may be cited pursuant to Health and Safety Code Sections 1522(c)(3), 1568.09(c)(4), 1569.17(c)(3) and 1596.871(c)(2). Additionally, the licensing may take an administrative action against the licensee pursuant to Health and Safety Code Sections 1550, 1568.092, 1569.58 or 1596.89.
2. Sections 1558(g), 1568.092(g), 1569.58(g) and 1596.89(g) of the Health and Safety Code - the licensee has failed to abide by the decision of the California Department of Social Services, in that, he/she has permitted the continued employment or presence of a person whom the California Department of Social Services has determined not to have shown evidence to indicate he/she has been rehabilitated. Additionally, the licensing may take an administrative action against the licensee pursuant to Health and Safety Code Sections 1550, 1568.092, 1569.58 or 1596.89.

If the deficiencies are not resolved by the correction date established by the field analyst and the licensee (Plan of Correction) and the licensee continues to permit the employment or presence of the convicted person, civil penalties shall be assessed (except in Foster Family Homes and Family Child Care homes). In such cases, the action subsequently taken by the licensing agency could result in a temporary suspension or revocation of the facility's license.

7-1760 APPEAL OF THE EXEMPTION DENIAL**7-1760**

A licensee or an applicant may appeal an exemption denial on behalf of the affected individual or an individual may appeal a denial of **their** individual exemption. The appeal must be in writing and postmarked no later than 15 days from the date of the denial letter. **The applicant or licensee may appeal both the application denial or license revocation and the exemption denial in a single, united appeal letter to the Program Office.** The appeal must include the affected individual's mailing address and telephone number. The licensing agency must acknowledge the receipt of the appeal within five days.

If the application denial/ license revocation was based on issues other than or in addition to a denied exemption, the **Regional** Office will prepare the statement of facts. If the application denial/license revocation is solely based on a denied canceled or rescinded exemption, the Caregiver Background Check Bureau will prepare the statement of facts. **The Regional Office must send the Caregiver Background Check Bureau the appeal letter, a copy of the LIC 508 (if not previously sent), LIC 200 and, if this is a licensed facility, the license. These documents must be sent with the completed Regional Office Response form within sixty (60) days of the date of the field notification letter (cbcb 5.0).**

7-1760 APPEAL OF THE EXEMPTION DENIAL (Continued)**7-1760**

The Statement of Facts - Case Summary *and* Special Issues/Pertinent Information Sections must state that the application denial or license revocation is based upon the denied criminal record exemption. The Statement of Facts must always request a licensing action and an exclusion of the licensee or staff person that was denied an exemption. The Statement of Facts will be categorized by legal as an “A” case if it is a denial or a revocation. The action against the **dependant** family member will be categorized as “B” case in conjunction with denial or revocation action. See Evaluator Manual Section 1-1010, Denial of Application and Evaluator Manual Section 1-1100, The Statement of Facts.

7-1770 EXEMPTION TRANSFERS**7-1770**

The licensing agency may consider transferring an exemption if:

1. The initial exemption was issued for Community Care Licensing Division licensed facility and the exemption is being transferred to another Community Care Licensing Division licensed facility.
2. The request to transfer the exemption is in writing, signed by the licensee, administrator or manager and includes a copy of the person's:
 - Driver's license or,
 - Valid identification card issued by the Department of Motor Vehicles or,
 - Valid photo identification issued by another state or the United States government if the person is not a California resident.
 - Duty statement or job description.
 - Criminal Record Statement (LIC 508)

For State licensed facilities, only the Caregiver Background Check Bureau may transfer an exemption. Send the completed form to: Department of Social Services, Community Care Licensing Division, Caregiver Background Check Bureau, 744 P. Street, M.S. 19-62, Sacramento, California 95814.

Situations that may generate a request to transfer an exemption are:

1. A licensee with an exemption applies for another facility or TrustLine registration, or
2. An individual with an exemption, residing in one facility, leaves that facility and moves to another facility, or
3. An employee with an exemption seeks employment in another licensed facility.

If the type of clients served in the new facility differs from those served in the former facility or if the person's job title or function will be different, the licensing agency must conduct a thorough case review. The rap sheet and any subsequent arrest reports must be reviewed to determine whether the exemption can be transferred.

7-1770 EXEMPTION TRANSFERS (Continued)**7-1770**

If the transfer request is for an employee, the licensing agency must review the duty statement or the job description to determine if restrictions apply.

Exemption transfers are not permitted between county licensing offices or between a state and a county licensing office because of the subsequent disclosure contract (rap back) arrangement with the Department of Justice. Penal Code Section 11105.2 authorizes the Department of Justice to release subsequent arrest/conviction information to the original contracting agency only.

When considering an exemption transfer to another facility that provides services to children (child care or residential), the licensing agency must also review the date of the last Child Abuse Central Index check . If the last inquiry was made prior to January 1, 1999, a new inquiry must be submitted. The Licensing Information System does not contain information on any reports filed since the initial inquiry (See Evaluator Manual Section 7-1400, Child Abuse Central Index check).

7-1800 SUBSEQUENT ARRESTS AND CONVICTIONS**7-1800**

An exemption or a clearance may be revoked as a result of either a subsequent conviction or a substantiated investigation of a subsequent arrest.

7-1810 SUBSEQUENT ARRESTS**7-1810**

The licensing agency that requested the original criminal record clearance will receive a subsequent arrest report (rap back) of all subsequent arrests. The report will specify the reason for the arrest, but usually will not indicate the disposition. Therefore, the licensing office must contact the court to obtain information regarding the arrest and subsequent disposition. If no disposition has been reached, the licensing office must determine if the facts underlying the arrest justifies an administrative action. The Department of Justice will send out a follow-up rap back report after a disposition has been made.

All arrests for crimes listed in (Evaluator Manual Section 7-2100) that are investigated must be investigated consistent with Evaluator Manual Section 7-1811, Investigating Arrest-onlys. County licensing offices must also investigate Arrest-onlys consistent with this section. The licensing office must determine whether a subject will be allowed to remain in the facility after the completion of the investigation. The licensing agency cannot remove a person during the arrest-only investigation.

7-1811 INVESTIGATING ARRESTS-ONLY**7-1811****State Licensed Cases - Initial Inquiries**

Upon receipt of a rap sheet with arrest-only information (no convictions) the Caregiver Background Check Bureau will review the rap sheet and determine the age of each arrest.

All arrests that have occurred within the last five years will be investigated. Arrests over five years will only be referred for investigation if the arrest is for a crime that is non-exemptible (see Evaluator Manual Section 7-2100) or if the Caregiver Background Check Bureau believes that an investigation is warranted.

Arrests of any age with the following dispositions will not be referred for investigation:

- Released/Detention only/849(B) Penal Code
- Complaint Refuse Prosecution
- Diversion or Deferred Entry of Judgement Successfully Completed
- Finding of Factual Innocence
- Exonerated
- Juvenile arrest only entries in which minor was released to parent or guardian
- Acquitted or Not Guilty
- Infraction

If an investigation is warranted, the Caregiver Background Check Bureau will:

1. Check the Licensing Information System for all facility associations.
2. Contact the licensee of each facility the individual is associated with on the Licensing Information System to determine if the individual is still associated with the facility.
 - If the individual is no longer associated with any facility, disassociate the individual from the facility on the Licensing Information System and no further action is needed.
 - If the individual is still associated with a facility, send an Investigation Notification (BIRS 4 or 6) or a Confirmation Notification (BIRS 3 or 5) letter to the affected individual informing them that an investigation is being conducted.
3. Contact the court or the arresting agency in the county where the individual was arrested to determine whether a conviction occurred.
 - If a conviction has occurred, refer the case to the Caregiver Background Check Bureau's Exemption Unit.

7-1811 INVESTIGATING ARRESTS-ONLY (Continued)**7-1811**

- If a conviction has not occurred, refer the case and related support documentation to the Regional Investigation Section for investigation via an Arrest-only Transmittal (orange form).

After the investigation has been completed, the Regional Investigation Section will return the Arrest-only Transmittal, with a copy of the investigative report, to the Caregiver Background Check Bureau (M.S. 19-57) with one of the following checked:

- A. Investigation conducted – issue clearance.
- B. No longer associated – applicant/voluntary closure.
- C. TrustLine applicant requests Voluntary Withdrawal.
- D. District Office to handle as **conduct inimical**.
- E. Conviction occurred (see attached supporting documentation).
- F. Other

The Caregiver Background Check Bureau will enter the result on the Licensing Information System.

State Licensed Cases - Subsequent Rap Sheets

Upon receipt of a rap sheet with arrest-only information (no convictions) the Caregiver Background Check Bureau will review the rap. Only arrests for crimes on the serious crimes list (see Evaluator Manual Section 7-2100) will be investigated. However, any arrest with the following disposition will not be investigated:

- Released/Detention only/849(B) Penal Code
- Complaint Refuse Prosecution
- Diversion or Deferred Entry of Judgement Successfully Completed
- Finding of Factual Innocence
- Exonerated
- Juvenile arrest only entries in which minor was released to parent or guardian
- Acquitted or Not Guilty
- Infraction

7-1811 INVESTIGATING ARRESTS-ONLY (Continued)**7-1811**

If an investigation is warranted, the Caregiver Background Check Bureau will:

1. Check the Licensing Information System for all facility associations and to determine if the individual has a previously granted exemption.
2. Contact the licensee of each facility with which the individual is associated on the Licensing Information System to determine if the individual is still associated with the facility.
 - If the individual is no longer associated with any facility, disassociate the individual from the facility on the Licensing Information System and no further action is needed.
 - If the individual is still associated with a facility and has a previously granted exemption, refer the case to the Caregiver Background Check Bureau Exemption Unit.
 - If the individual is still associated with a facility and has a clearance, continue with item 3. below.
3. Review the rap sheet and determine if the crime is serious or non-serious (see Evaluator Manual Section 7-2100).
4. Contact the court or the arresting agency in the county where the individual was arrested to determine whether a conviction occurred. .
 - If a conviction has occurred, refer the case to the Caregiver Background Check Bureau's Exemption Unit.
 - If a conviction has not occurred and the crime is not serious, no action can be taken until there is a disposition.
 - If a conviction has not occurred, and the crime is serious and warrants an investigation,
 - a. Send an Investigation Notification (BIRS 4 or 6) or a Confirmation Notification (BIRS 3 or 5) letter to the affected individual informing them that an investigation is being conducted.
 - b. Refer case and related support documentation to the Regional Investigation Section for investigation via an Arrest-only Transmittal (orange form).

7-1811 INVESTIGATING ARRESTS-ONLY (Continued)**7-1811**

After the investigation has been completed, the Regional Investigation Section will return the Arrest-only Transmittal, with a copy of the investigative report, to the Caregiver Background Check Bureau (M.S. 19-57) with one of the following checked:

- A. Investigation conducted – issue clearance
- B. No longer associated – applicant/voluntary closure
- C. TrustLine applicant requests Voluntary Withdrawal
- D. District Office to handle as **conduct inimical**.
- E. Conviction occurred (see attached supporting documentation)
- F. Other

The Caregiver Background Check Bureau will enter the result on the Licensing Information System.

County Licensed Facilities:

Upon receipt of a rap sheet containing arrest only information, county licensing agencies must:

1. Review the rap sheet. Do not investigate any arrest in which you see the following disposition on the rap sheet;
 - Released/Detention only/849(B) Penal Code
 - Complaint Refuse Prosecution
 - Diversion or Deferred Entry of Judgement Successfully Completed
 - Finding of Factual Innocence
 - Exonerated
 - Juvenile arrest only entries in which minor was released to parent or guardian
 - Acquitted or Not Guilty
 - Infraction
2. Verify if the individual is still associated or employed with the facility. If the individual is no longer associated with any facility, no further action is necessary.

7-1811 INVESTIGATING ARRESTS-ONLY (Continued)**7-1811**

3. If the individual is still associated with a facility, review the rap sheet and determine if the crime is serious or non-serious (see Evaluator Manual Section 7-2100).
 - If the crime is not serious, no action can be taken until there is a disposition.
 - If the crime is serious and an investigation is warranted, send a letter to the applicant/licensee and the affected individual informing them that an investigation is being conducted.
4. Request and review information contained in the individual's personnel file at the facility.
5. Establish whether a conviction occurred. Contact the court or the arresting agency in the county where the individual was arrested. If the individual was convicted, process like any other conviction.
6. Obtain a copy of the arrest report and evaluate the individual's role in the crime. Individuals frequently make statements to the police that are documented in the arrest reports.
7. Contact witnesses to see if they will testify in an administrative hearing.
8. If necessary, obtain a copy of the subject's DMV record.
9. Contact other facilities with which the individual was associated.
10. Interview the individual for additional information or ask that the individual provide the disposition and arrest information.
11. Prepare a report documenting all actions and findings.
12. Document the results of your investigation. Keep notes of all contacts and telephone calls.
13. Ensure the privacy of the investigation and individual. All arrest-only investigation documents are confidential and must be kept in the confidential section of the facility folder.
14. Discuss case with Regional County Liaison for possible Administrative Action as **conduct inimical**.

7-1812 WARRANTS**7-1812**

A warrant is a legal process initiated at the municipal or superior court level. If an individual has been cited/arrested for any crime and they do not make a mandated court appearance a judge will issue a warrant for that individuals arrest.

If a warrant is issued, any law enforcement agency has the power to "execute" or serve the warrant. Before an exemption is denied for an outstanding warrant, the licensing agency must contact the agency that issued the warrant to determine if the warrant is still outstanding or valid. Do not approve an exemption if the individual has an active warrant.

The Department of Justice will attempt to obtain the adjudication of the warrant before the rap sheet is forwarded to the licensing agency however, in many instances the licensing agency will see warrant information on the initial rap sheet.

If the licensing agency becomes aware, either through a subsequent rap sheet or any other means, that the individual has an outstanding warrant and the individual has been granted an exemption,

The Caregiver Background Check Bureau must:

- Contact the facility to determine if the individual is still at the facility.
- Contact the court(s) to determine if the warrant is valid, current or active or resulted in a conviction.
- Notify the Licensing Program Analyst at the District Office that the individual has an outstanding warrant. The analyst may take the following action:
 - ✓ Contact the law enforcement agency that issued the warrant and advise them that the Department is aware of the current work site of the individual.
 - ✓ Consult Legal for possible administrative action based on "conduct inimical".

County licensing agencies must:

- Contact the facility to determine if the individual is still at the facility.
- Contact the court(s) to determine if the warrant is valid, current or active or resulted in a conviction.

7-1812 WARRANTS (Continued)**7-1812**

- Contact the law enforcement agency that issued the warrant and advise them that the licensing agency is aware of the current work site of the individual.
- Consult with the Regional County Liaison for possible administrative action based on "conduct inimical".

7-1820 SUBSEQUENT CONVICTIONS**7-1820****Non-exemptible Conviction – Licensee/Spouse/Dependent Family Member**

If a licensee has been convicted of a non-exemptible crime the license must be revoked. If as spouse or dependant family member has been convicted of a non-exemptible crime, and the facility is the spouse or dependant family member's place of residence, the license must be revoked.

The Caregiver Background Check Bureau will:

- E-mail or telephone the Licensing Program Analyst and/or Local Unit Manager and inform them that the Caregiver Background Check Bureau has received a rap sheet on the licensee, spouse or dependent family member, containing a non-exemptible conviction.
- Send the field notification letter (cbcb 6.0), and Regional Office response form to the Regional Office.
- Be available to consult with legal and the Regional Office regarding a Temporary Suspension Order.

The Regional Office will:

- Send the licensee a letter informing them that the Department has received a rap sheet containing a non-exemptible conviction and that the license has been referred to the legal division for revocation (use cbcb 6.0 Sample Letter 2 found in the common library).
- Complete and return the Regional Office response form to the Caregiver Background Check Bureau within sixty (60) days of the date of the field notification letter (cbcb 6.0).

7-1820 SUBSEQUENT CONVICTIONS (Continued)**7-1820**

- If the revocation is based solely on the non-exemptible conviction, send the Caregiver Background Check Bureau a copy of the LIC 200, LIC 508 (if not previously sent) and the license with the Regional Office response form.
- Consult with legal and the Regional Office regarding a Temporary Suspension Order.

The County will:

- Contact the licensee and inform them that the County has received a rap sheet containing a non-exemptible conviction.
- Consult the Program County Liaison who will consult legal for a Temporary Suspension Order upon receipt of the rap sheet or no later than seven days.

Non-exemptible Conviction – Employee/Resident**The Caregiver Background Check Bureau will:**

- Make a reasonable attempt to contact the licensee by telephone informing the licensee that the individual was convicted of a non-exemptible conviction and must be immediately removed from the facility.
- Send separate and concurrent follow-up letters (cbcb 6.1) to the licensee and the individual specifying the above.
- If the facility is a Family Child Care Home,
 - ✓ complete a Family Child Care Home - Notification of Parent's Rights Addendum to Exclude (LIC 995B)
 - ✓ send a copy of the form to the licensee with the exclusion letter.
 - ✓ file a copy of the LIC 995B in the individual's criminal background file
 - ✓ send a copy of the LIC 995B and the exclusion letter to the Regional Office.

7-1820 SUBSEQUENT CONVICTIONS (Continued)**7-1820****The Regional Office will:**

- Consult legal for a possible Temporary Suspension Order if the individual is not removed from the facility.

The County will:

- Make a reasonable attempt to contact the licensee by telephone informing the licensee that the individual was convicted of a non-exemptible crime and must be immediately removed from the facility.
- Send separate and concurrent follow-up letters (cbcb 6.1) to the licensee and the individual specifying the above.
- If the facility is a Family Child Care Home,
 - ✓ complete a Family Child Care Home - Notification of Parent's Rights Addendum to Exclude (LIC 995B).
 - ✓ send a copy of the form to the licensee with the exclusion letter.
 - ✓ file a copy of the LIC 995B in the individual's criminal background file.
- Consult the Program County Liaison who will consult legal for possible Temporary Suspension Order if the individual is not removed from the facility.

Exemptible Felony – Licensee/Spouse/Dependent Family Member**The Caregiver Background Check Bureau will:**

- Send the field notification letter and Regional Office response form (field notification 2.2) to the Regional Office.
- If applicable, process the exemption request.

7-1820 SUBSEQUENT CONVICTIONS (Continued)**7-1820**

- **Be available to consult** with Legal and the **Regional** Office, whether to issue a Temporary Suspension Order to allow the facility to remain open while the licensee seeks an exemption.

The District Office will:

- Respond to the Caregiver Background Check Bureau, via the field notification response form, within **ten (10)** working days.
- Contact the licensee and inform them that the Department has received a rap sheet with a felony conviction. **Type of contact, either by phone or in person, is up to the discretion of the Regional Office.**

The County will:

- Contact the licensee by telephone informing the licensee that the County has received a rap sheet containing a felony conviction.
- Decide, in consultation with the **Program** County Liaison, whether to issue a Temporary Suspension Order or allow the facility to remain open while the licensee seeks an exemption.

Exemptible Felony – Employee/Resident**The Caregiver Background Check Bureau will:**

- Make a reasonable attempt to contact the licensee by telephone informing the licensee that the individual was convicted of a felony and must be immediately removed from the facility until an exemption is granted.
- Send separate and concurrent follow-up letters (cbcb 3) to the licensee and the individual specifying the above.
- If the facility is a Family Child Care Home,
 - ✓ complete a Family Child Care Home - Notification of Parent's Rights Addendum to Exclude (LIC 995B)
 - ✓ send a copy of the form to the licensee with the exclusion letter.
 - ✓ file a copy of the LIC 995B in the individual's criminal background file
 - ✓ send a copy of the LIC 995B and the exclusion letter to the **Regional** Office.
- If applicable, process the exemption request.

7-1820 SUBSEQUENT CONVICTIONS (Continued)**7-1820****The Regional Office will:**

- Consult legal for a possible Temporary Suspension Order if the individual is not removed from the facility.

The County will:

- Make a reasonable attempt to contact the licensee by telephone informing the licensee that the individual was convicted of a felony crime and must be immediately removed from the facility.
- Send separate and concurrent follow-up letters (cbcb 3) to the licensee and the individual specifying the above.
- If the facility is a Family Child Care Home,
 - ✓ complete a Family Child Care Home - Notification of Parent's Rights Addendum to Exclude (LIC 995B)
 - ✓ send a copy of the form to the licensee with the exclusion letter.
 - ✓ file a copy of the LIC 995B in the individual's criminal background file
- Consult the Program County Liaison who will consult legal for possible Temporary Suspension Order if the individual is not removed from the facility.

Other Exemptible Offenses

If the conviction is not a non-exemptible offense, the licensing agency must inform the licensee and the individual in separate and concurrent letters (cbcb 2) that an exemption is required. It is not necessary to remove an individual convicted of a misdemeanor, however it is necessary to issue a letter specifying that an exemption is required.

**7-1830 NO LONGER INTERESTED IN SUBSEQUENT ARREST
OR CONVICTION INFORMATION****7-1830**

The Department of Justice will continue to send the licensing agency subsequent arrest and conviction information unless otherwise notified. If the Caregiver Background Check Bureau is unable to verify an active facility association, the Caregiver Background Check Bureau will request that the District Office determine facility association. If the District Office determines that the subject is no longer associated with the facility, it must inform the Caregiver Background Check Bureau. The Caregiver Background Check Bureau will notify the Department of Justice.

Similarly, if a county licensing office determines that the subject is no longer associated with the facility it must indicate so on the rap sheet and return the rap sheet to the Department of Justice.

7-1900 ADMINISTRATIVE ACTIONS**7-1900**

The following is a list of actions which may be considered by the licensing agency in response to a criminal history report (initial or subsequent) or upon verification of a conviction for a licensee/spouse, applicant/spouse or employee. The type of action taken should be based upon the potential harm to the clients and the severity of the conviction. Please see Evaluator Manual Section 1-1000 through 1-1450 for expanded descriptions and information on the enforcement actions listed below.

I. Applicant/Spouse**a. Injunctive Relief**

This process results in the immediate closure of a facility operating without a license. An injunction order is obtained from the Superior Court.

b. License Application Denial

If the person with a non-exemptible conviction or a denied exemption is an applicant, the license application will be denied.

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7-1900 ADMINISTRATIVE ACTIONS (Continued)**7-1900****II. Licensee/Spouse for Subsequent Conviction Information****a. Temporary Suspension Order**

A Temporary Suspension Order results in the immediate closure of a facility by temporarily suspending all operations. A Temporary Suspension Order must be approved by the Community Care Licensing Division Deputy Director and becomes effective upon service.

b. License Revocation

A license may be revoked when an exemption is denied or revoked. The revocation does not become effective until the action is approved and adopted following a formal decision to revoke the license, such as after an administrative hearing or through Stipulation.

III. Employee or other Adult with Client Contact**a. Employee Exclusion**

An employee exclusion is based on a denied exemption. If an exemption request has been denied and the employee is still working in the facility or still has contact with clients in care, the employee must be excluded from the facility. All exclusions must be approved by Legal.

NOTE: Do not confuse an employee exclusion with an Immediate Facility Removal Section 7-1600. An Immediate Facility Removal is not an Administrative Action because no final decision has been made as to the exemption request.

Licensure by both State and County

The California Department of Social Services has a contractual relationship with several counties to provide licensing services. Counties under this agreement are responsible for issuing Foster Family Home and/or Family Child Care Home licenses. The Community Care Licensing Division has this responsibility in other non-contracted counties. This situation creates the possibility of an individual having both a county and a State license.

The possibility of this dual licensing requires special coordination between the county and State. Once the county licensing agency has made a decision to deny or revoke a criminal record exemption the county licensing agency must contact their Regional County Liaison to inform them of the intended action. The Regional County Liaison will check for the existence of a license issued by Community Care Licensing Division. If dual licensing exists, the Regional County Liaison will notify the appropriate District Office of the pending action.

7-2000 MAINTENANCE OF CRIMINAL RECORD INFORMATION**7-2000**

Approved exemptions and support documentation must be retained for five years and archived for an additional three years (standard file retention rules) after the individual is no longer associated with the facility. Counties must retain exemption information in the facility file the individual is associated with. Licensing District Offices must retain all exemption information sent from the Caregiver Background Check Bureau in the facility file the individual is associated with.

Denied exemptions and support documentation must be retained indefinitely.

Approved individual exemptions must be maintained as active for two years after the individual is no longer associated with the facility. The licensing agency may associate the holder of an approved individual exemption to licensed facility during this period. The licensing agency must use the criteria and procedure for transferring an approved exemption (See Evaluator Manual Section 7-1770, Exemption Transfers).

7-2010 CONFIDENTIALITY OF CRIMINAL HISTORY INFORMATION**7-2010**

Penal Code Section 11505(b)(9) provides that the Department of Justice may provide criminal history information to Community Care Licensing Division for licensure because of the criminal clearance requirements in Health and Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871. Penal Code Section 11142 prohibits the licensing agency from furnishing such information to an agency not authorized by law to receive it. Penal Code Section 11505(b)(11) authorizes the licensing office to share specific criminal history information with the subject but *not* with the individual's employer or co-applicant or co-licensee, even if that person is the individual's spouse. Licensees and co-applicants, etc. can only be told that:

- The individual has a criminal history.
- That the offense is exemptible or non-exemptible.
- Whether the individual may remain in the facility or must be immediately excluded.

These confidentiality laws do not apply to the sharing of an exemption decision, which do not list criminal history or public records such as a Judgement of Conviction or criminal complaints which were obtained during the exemption process.

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS**7-2100****NON-EXEMPTIBLE CRIMES¹**

Revised in accordance with Senate Bill 1992 (SB 1992) and Proposition 21

JANUARY 2001**1. Penal Code Sections 186.22 and 136.1 — Gang Related/Intimidation of Witnesses or Victims**

- Added at Penal Code, § 667.5(c)(20) by Proposition 21 effective March 9, 2000.
- Intimidation must result in felony conviction for Penal Code, § 186.22, i.e., gang-related .

2. Penal Code Sections 187, 190-190.4 and 192(a) — Any Murder/Attempted Murder/Voluntary Manslaughter

- Specified at Penal Code, § 667.5(c)(1) and (c)(12).
- This is not an exhaustive list of code Sections under which Murder, Attempted Murder, or Voluntary Manslaughter could be charged.
- The Caregiver Background Check Bureau is advised to consult the Caregiver Background Check Bureau legal team if conviction is for a similarly titled out of state crime.
- Exemption may be granted for Murder or Voluntary Manslaughter if rehabilitated pursuant to Health & Safety. Code Section 1522(g)(1).² Note that exemption may not be granted for Attempted Murder.

3. Penal Code Section 203 — Any Mayhem

- Specified at Penal Code, § 667.5(c)(2)
- This is not an exhaustive list of code sections under which this crime can be charged.

¹ Juveniles and young adults sentenced to CYA may be released from such disabilities under Welfare & Inst. Code Sections 1179 and/or 1772. CBCB is advised to consult CBCB legal team if this issue arises.

² For those violent felonies specified at Penal Code, § 667.5(c) (1)(2)(7) and (8) rehabilitation may be proven pursuant to Penal Code, § 4852.01, 4852.03, 4852.05 and an exemption may therefore be possible for employment or licensure in Community care facilities only pursuant to Health & Safety Code, § 1522(g)(1).

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS 7-2100 (Continued)

- The Caregiver Background Check Bureau is advised to consult the Caregiver Background Check Bureau legal team if conviction is from out of state for a similarly titled crime.
- Exemption may be granted for licensure or employment in Community Care facilities only if rehabilitated pursuant to Health & Safety Code Section 1522(g)(1).

4. Penal Code Section 206 — Torture

- Added by Senate Bill 1992, effective January 1, 2001, as an amendment to Health & Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871.
- Must be a felony conviction.

5. Penal Code Sections 207, 208, 209, 209.5, 210 — Kidnapping

- Specified in its entirety at Penal Code, § 667.5(c) (14) without qualification by Proposition 21, effective March 9, 2000.
- A conviction for the attempt to commit 207 or 209 is non-exemptible³.

6. Penal Code Section 211, 212, 212.5, 213, 214 — Any Robbery

- Specified in its entirety at Penal Code, § 667.5(c)(9) without qualification in Proposition 21, effective March 9, 2000.

7. Penal Code Section 215 — Carjacking

- Formerly, only if use of deadly weapon charged and proven as provided for in Penal Code, § 12022(b).
- Section in its entirety without need for deadly weapon charge added by Senate Bill 1992, effective January 1, 2001, as an amendment to Health & Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871.
- Specified at Penal Code, § 667.5(c)(17) by Proposition 21 which also removes need for weapon charge effective March 9, 2000.

³ A conviction for the attempt to commit any crime specified at Penal Code, § 290(a) is non-exemptible.

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS 7-2100
(Continued)**8. Penal Code Section 220 — Assault with intent to commit mayhem, rape, sodomy or oral copulation, etc.**

- Specified at Health & Safety Code Sections 1522, 1568.09, 1569.17, 1596.871, Penal Code, § 290(a) and added at Penal Code, § 667.5(c)(15) pursuant to Proposition 21, effective March 9, 2000.
- A conviction for the attempt to commit this crime is non-exemptible except for attempted Assault with intent to commit Mayhem which is excluded at Penal Code, § 290(a).

9. Penal Code Section 243.4 — Sexual Battery

- Specified at Health & Safety Code Sections 1522, 1568.09, 1569.17, 1596.871, and Penal Code, § 290(a).
- A conviction for the attempt to commit this crime is non-exemptible.

10. Penal Code Section 261(a)(1)(2)(3)(4) or (6) — Rape

- Specified at Penal Code, § 290(a).
- A conviction for the attempt of this crime is non-exemptible.

11. Penal Code Section 262(a)(1) or (4) Rape of Spouse

- Specified at Penal Code, § 667.5(c)(3).
- Penal Code, § 262(a)(1) is specified at Penal Code, § 290(a), which requires use of violence or force for which person was sentenced to state prison.
- A conviction for the attempt to commit a violation of Penal Code, § 262(a)(1) is non-exemptible. The Caregiver Background Check Bureau is advised to consult the Caregiver Background Check Bureau legal team.

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS 7-2100
(Continued)**12. Penal Code Section 264.1 — Rape in concert**

- Specified at Health & Safety Code Sections 1522, 1568.09, 1569.17, 1596.871, and at Penal Code, § 290(a), and at Penal Code, § 667.5(c)(18) by Prop 21 effective March 9, 2000.
- A conviction for the attempt to commit this crime is non-exemptible.

13. Penal Code Section 266 — Enticing minor into prostitution

- Specified at Penal Code, § 290(a) including all Penal Code, § 266 Sections below. Therefore, a conviction for the attempt to commit any of the Penal Code, § 266 violations listed below is non-exemptible.

14. Penal Code Section 266c — Induce to sexual intercourse, etc. by fear or consent through fraud**15. Penal Code Section 266h(b) — Pimping a minor****16. Penal Code Section 266i(b) — Pandering a minor****17. Penal Code Section 266j — Providing a minor under 16 for lewd or lascivious act****18. Penal Code Section 267 — Abduction for prostitution**

- Specified at Penal Code, § 290(a).
- A conviction for the attempt to commit this crime is non-exemptible.

19. Penal Code Section 269 — Aggravated assault of a child

- Specified at Penal Code, § 290(a).
- A conviction for the attempt to commit this crime is non-exemptible.

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS 7-2100
(Continued)**20. Penal Code Section 272 — Contributing to delinquency of a minor**

- Specified at Penal Code, § 290(a).
- Must involve lewd or lascivious conduct.
- A conviction for the attempt to commit this crime is non-exemptible.

21. Penal Code Section 273a(a) [or 273a(1) if the conviction was prior to January 1, 1994] — Willfully causing or permitting any child to suffer under circumstances or conditions likely to produce great bodily harm or death.

- Specified at Health & Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871.
- Conviction of Penal Code, § 273a before 1-1-65 is exemptible.

22. Penal Code Section 273d — Willfully inflicting any cruel or inhuman corporal punishment or injury on a child

- Specified at Health & Safety Code Sections 1522, 1568.09, 1569.17, 1596.871.
- “Spousal abuse” deleted by 1977 amendment.
- If conviction is in 1977 or before then it must be for child abuse and not spousal abuse.

23. Penal Code Section 285 — Incest

- Specified at Penal Code, § 290(a).
- A conviction for the attempt of this crime is non-exemptible.

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS 7-2100
(Continued)**24. Penal Code Section 286 — Sodomy**

- Specified at Penal Code, § 290(a) and “By force” at Penal Code, § 667.5(c)(4).
- Note: need not be “By force” to be non-exemptible per Penal Code, § 290(a).
- A conviction for the attempt of this crime is non-exemptible.
- Rewritten by 1975 amendment which removed the far-reaching “Infamous crime against nature” language. Prior to amendment the Section could be read to prohibit the act between consenting adults. Penal Code, § 290(a)(F)(i) sets forth procedure by which an individual can establish such acts were decriminalized by 1975 or 1976 legislation. The Caregiver Background Check Bureau is advised to consult the Caregiver Background Check Bureau legal team if conviction is on or before January 1, 1976.

25. Penal Code Section 288 — Lewd or lascivious act upon a child under 14

- Specified at Penal Code, § 290(a) and Penal Code, § 667.5(c)(6).
- A conviction for the attempt to commit this crime is non-exemptible.

26. Penal Code Section 288a — Oral copulation

- Specified at Penal Code, § 290(a) and “By Force” at Penal Code, § 667.5(c)(5).
- Note: need not be “By force” to be non-exemptible per Penal Code, § 290(a).
- Rewritten by 1975 amendment, which removed far-reaching language. Prior to this amendment the Section could be read to prohibit the act between consenting adults. Penal Code, § 290(a)(F)(i) sets forth procedure by which an individual can establish such acts were decriminalized by 1975 or 1976 legislation. The Caregiver Background Check Bureau is advised consult the Caregiver Background Check Bureau legal team if the conviction is on or before January 1, 1976.

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS 7-2100
(Continued)**27. Penal Code Section 288.2 — Felony conviction only for distributing lewd material to children**

- Specified at Penal Code, § 290(a) after January 1, 1990 by amendment.
- A conviction for the attempt to commit this crime is non-exemptible.
- Caregiver Background Check Bureau is advised to consult the Caregiver Background Check Bureau legal team if conviction before January 1, 1990.

28. Penal Code Section 288.5 — Continuous sexual abuse of a child.

- Specified at Penal Code, § 290(a) after January 2, 1990 by amendment and Penal Code, § 667.5(c)(16).
- A conviction for the attempt to commit this crime is non-exemptible.

29. Penal Code Section 289 — Genital or anal penetration by foreign object

- Penal Code, § 289 is specified at Penal Code, § 290(a).
- A conviction for the attempt to commit this crime is non-exemptible.
- 1993-94 amendment repealed former Penal Code, § 289.5—relating to punishment for rape or sodomy whether penetration by foreign object or penis-- and included it in Penal Code, § 289. The Caregiver Background Check Bureau is advised to consult the Caregiver Background Check Bureau legal team if conviction is for Penal Code, § 289.5.

30. Penal Code Section 290(a) — Registering with local law enforcement.

- Specified at Health & Safety Code Sections 1522, 1568.09, 1569.17, 1596.871.
- If person is noted on the Rap sheet as required to register as a sex offender and no conviction is listed requiring registration, contact the Department of Justice Sex Registration Unit as soon as possible to get a crime report. The Caregiver Background Check Bureau is advised to consult the Caregiver Background Check Bureau legal team if crime is exemptible though individual ordered by court to register as a sex offender. (See Penal Code, § 290(a)(E)).

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS 7-2100
(Continued)

- Penal Code Sections 288.2 and 288.5 added to list of offenses requiring registration by amendment effective January 1, 1990.

31. Penal Code Section 311.2(b)(c) or (d) — Transporting or distributing child-related pornography

- Specified at Penal Code, § 290(a).
- A conviction for the attempt to commit this crime is non-exemptible.

32. Penal Code Section 311.3 — Sexual exploitation of a child

- Specified at Penal Code, § 290(a).
- A conviction for the attempt to commit this crime is non-exemptible.

33. Penal Code Section 311.4 — Using a minor to assist in making or distributing child pornography

- Specified at Penal Code, § 290(a).
- A conviction for the attempt to commit this crime is non-exemptible.

34. Penal Code Section 311.10 — Advertising or distributing child pornography

- Specified at Penal Code, § 290(a).
- A conviction for the attempt to commit this crime is non-exemptible.

35. Penal Code Section 311.11 — Possessing child pornography

- Specified at Penal Code, § 290(a).
- A conviction for the attempt to commit this crime is non-exemptible.

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS 7-2100
(Continued)**36. Penal Code Section 314(1) or (2) — Lewd or obscene exposure of private parts**

- Specified at Penal Code, § 290(a). (Only if person is registered as a sex offender).
- A conviction for the attempt to commit this crime is non-exemptible.

37. Penal Code Section 347(a) — Poisoning or adulterating food, drink, medicine, pharmaceutical products, spring, well, or reservoir

- Added by Senate Bill 1992, effective January 1, 2001, as an amendment to Health & Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871.
- Must be a felony conviction.

38. Penal Code Section 368 — elder or dependent adult abuse

- Senate Bill 1992, effective January 1, 2001, specifies Penal Code, § 368 in its entirety.
- Formerly Penal Code, § 368(a) or (b) if prior to 1-1-99, and (b) or (c) thereafter as specified at Health & Safety Code Sections 1522, 1568.09, 1569.17, and 1596.871.

39. Penal Code Section 417(b) — Drawing, Exhibiting, or Using Firearm or Deadly Weapon

- Added by Senate Bill 1992, effective January 1, 2001, as an amendment to Health & Safety Code Sections 1522, 1569.17 and 1596.871.
- Must be a felony conviction.

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS 7-2100
(Continued)**40. Penal Code Section 451(a)(b) — Arson**

- As specified at Penal Code, § 667.5(c)(10)
- Subdivision (b) added at Penal Code, § 667.5(c)(10) by Prop 21 effective March 9, 2000.
- A felony violation of Penal Code, § 451(a) will also be specified at Health & Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871 as a result of Senate Bill 1992, effective January 1, 2001.

41. Penal Code Section 460(a) — First Degree Burglary

- Added by Proposition 21, effective March 9, 2000, at Penal Code, § 667.5(c)(21).
- Must be charged and proved that another person, other than accomplice, was present in the residence during the commission of the burglary.

42. Penal Code Sections 186.22 and 518 — Gang Related / Extortion

- Added by Proposition 21, effective March 9, 2000, at Penal Code, § 667.5(19).
- Must constitute a felony violation of Penal Code, § 186.22, i.e., gang related conduct.

43. Penal Code Section 647.6 or prior to 1987 former Section 647a — Annoy, molest child under 18

- Specified at Penal Code, § 290(a).
- A conviction for the attempt to commit this crime is non-exemptible.

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS 7-2100
(Continued)**44. Penal Code Section 653f(c) — Solicit another to commit rape, sodomy etc.**

- Specified at Penal Code, § 290(a).
- The Caregiver Background Check Bureau is advised to consult the Caregiver Background Check Bureau legal team if conviction under 653f(c) prior to January 1, 1980.
- A conviction for the attempt to commit this crime is non-exemptible.

45. Penal Code Section 664/187 — Any Attempted Murder

- Specified at Penal Code, § 667.5(c)(12).
- The Caregiver Background Check Bureau is advised to consult the Caregiver Background Check Bureau legal team if conviction is from out of state for a similar crime.

46. Penal Code Section 667.5(c)(7)4 — Any Felony punishable by death or imprisonment in the state prison for life but not for an indeterminate sentence

- An example of an indeterminate sentence is “5 years to life”.
- Exemption may be granted for licensure or employment in Community Care facilities only if rehabilitated pursuant to Health & Safety Code Section 1522(g)(1) if the underlying felony can be exempted

47. Penal Code Section 667.5(c)(8) — Enhancement for any felony which inflicts great bodily injury

- On or after July 1, 1977, felony must have been charged and proved as provided for in Penal Code, §§ 12022.7 or 12022.9. Prior to July 1, 1977, as specified in Penal Code, §§ 213, 264, and 461 or any felony in which the defendant uses a firearm which use has been charged and proved as provided in Penal Code, §§ 12022.5 or 12022.55.
- Exemption may be granted for licensure or employment in Community Care facilities only if rehabilitated pursuant to Health & Safety Code Section 1522(g)(1) if the underlying felony can be exempted.

4 If any Penal Code, § 667.5(c) entry appears on Rap sheet alone without any other Penal Code, Section violation then CBCB is advised to contact legal.

7-2100 CRIMINAL RECORD PROCESS REFERENCE DOCUMENTS 7-2100
 (Continued)

48. Penal Code Section 667.5(c)(13) Enhancement for violation of Penal Code Sections 12308, 12309, 12310 — exploding or igniting or attempting to explode or ignite any destructive device or explosive with the intent to commit murder

- Penal Code, §§ 12309 and 12310 added by Proposition 21 effective March 9, 2000.

49. Penal Code Section 667.5(c)(14) — Any Kidnapping — Penal Code Sections 207, 208, 209, 209.5 and 210

- Added by Proposition 21, effective March 9, 2000.

50. Penal Code Section 667.5(c)(22), Any violation of Penal Code, § 12022.53 — Enhancement for listed felonies where Use of Firearm

- Added by Proposition 21, effective 3-9-2000.
- Underlying conviction must be for felony listed in Penal Code, § 12022.53.

51. Business and Professions Code Section 729 — Sexual Exploitation by Physicians, Surgeons, Psychotherapists, or Alcohol and Drug abuse Counselors

- Must be felony conviction.
- Added by Senate Bill 1992, effective 1-1-2001, as an amendment to Health & Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871.

Serious Arrest-only(s) Requiring Investigation

As required by Senate Bill 1984, all Arrest-onlys on this list must be investigated consistent with the Arrest-only Investigation Procedures.

187	Murder
192(a)	Voluntary Manslaughter
203, 205	Mayhem and Aggravated Mayhem
207(b), 208(b)	Inducing a child under the age of 14 to go to another part of the same country for purpose of committing a lewd and lascivious act upon the child-kidnapping.
211 with 12022(b)	Robbery of an inhabited house, vessel, trailer coach, or building with use of a dangerous weapon. (Rap sheets do not always reflect 211 Penal Code Section with 12022).

7-2200 LIST OF FREQUENTLY USED ACRONYMS

7-2200

BID-7	The card upon which fingerprints are submitted	DSS	State Department of Social Services (same as CDSS)
BIRS	Background Information Review Section	FCC	Family Child Care (previously Family Day Care)
CACI	Child Abuse Central Index	FCCH	Family Child Care Home
CCF	Community Care Facility	FBI	Federal Bureau of Investigation
CCL	Community Care Licensing (same as CCLD)	FFA	Foster Family Agency
CCLD	Community Care Licensing Division	H & S	Health and Safety Code
CDSS	California Department of Social Services	JOC	Judgement of Conviction
CLETS	California Law Enforcement Telecommunications System	LIS	Licensing Information System
CRC	Criminal Record Clearance	LPA	Licensing Program Analyst
CBCB	Caregiver Background Check Bureau	PC	Penal Code
PIU	Program Investigation Unit (formerly known as RIS Regional Investigation Services)	RO	Regional Office of CCLD (formerly known as DO District Office)
CU	Clets Unit	SOF	Statement of Facts
DOJ	Department of Justice	TSO	Temporary Suspension Order

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(DATE)

Facility # «FacNumber»
ID # «IDNumber»

«FacName»
«FacAddress»
«CityStateZip»

Information has been received from the Department of Justice that the person named below does not have a criminal conviction on file with their office.

«SUBJECT»

Periodically, information is received from the Department of Justice, which may require further investigation by your district licensing office, and could change the clearance status a person currently has with the Department of Social Services. Until such time, this letter serves as the criminal record clearance for this person.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Cbcb1(rev.4/00)DSS Clearance

(DATE)

Facility # «FacNumber»
ID # «ID»
Analyst # «Analyst»

«FacName»
«FacAddress»
«CityStateZip»

Subject: Exemption needed for «SUBJECT»

*****IMMEDIATE ACTION REQUIRED*****

Dear Licensee:

This is to notify you that we received criminal history information from the Department of Justice for the person identified above. If you want this person to continue to be associated with your facility, you must request an exemption.

If you do not request an exemption, this person cannot work or be present at your facility.

Additionally, if you do not request an exemption, you must immediately notify the person that he/she has a right to seek an exemption on his/her own behalf. At the time of termination or removal from your facility, the person may use the Individual Exemption Request letter that was sent directly to them care of your facility. A person requesting an exemption on his/her own behalf cannot be present in the facility.

You must notify us of your decision within thirty (30) days from the date of this letter by returning page two indicating that you do or do not request an exemption for this person, and by providing the information indicated. A decision on an exemption request may take sixty (60) days or longer.

If we do not hear from you within thirty (30) days, we will notify your local district licensing office that the person is not allowed to be in or associated with your facility.

If you have any questions or concerns regarding this matter, please write to the address located above, with attention directed to analyst # «Analyst».

Thank you.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Cbcb2(rev.4/00)

«SUBJECT»

FACILITY # «FacNumber»

ANALYST # «Analyst»

Please check one of the following, then date and sign below:☐

I do request an exemption on behalf of the person named above. (Please attach and send the following information to this office within thirty (30) days from the date of this letter.)

1. Describe how or in what capacity the individual is/will be associated with the licensed facility.
2. A copy of Licensing Form LIC 508, (criminal record statement), that the individual was required to fill out at the time of employment with your facility, and any additional statements regarding their criminal record that may have been written or signed by the above-named person.
3. A letter signed by the person giving his/her version of the events surrounding the conviction(s) including approximate date(s); what happened and why; how it happened; and any other information about the crime(s). It should also describe what he/she has done, if anything, to prevent this from happening again. The Caregiver Background Check Bureau will compare this version with the LIC 508, police reports and court documents. **If the person cannot remember the crimes committed, he/she may make an appointment with the local licensing office to review his/her criminal record. The person may obtain a copy of his/her criminal record and contest the accuracy of the record by writing to: Department of Justice, Record Review Unit, P.O. Box 903417, Sacramento, CA 94203-4170.**
4. Written verification of any training or educational classes/courses or drug/alcohol therapy or counseling sessions completed by the person.
5. Three (3) letters of character reference, with signature, on behalf of the individual with the telephone number and address of the person writing the letter. Reference letters cannot be from relatives or family members of the above-named person or from employees associated with the licensed facility.
6. **The complete and current mailing address and telephone number of the person. The person must notify the Department in five days of any changes.**

☐I do not request an exemption for the person named above.

ID #

«ID»

Date of Termination/Removal:	
Your Name:	
Title:	

Please return this page within thirty (30) days from the date of this letter.

Date

Signature

()

Telephone Number

Cbc2(rev.4/00)

(DATE) _____

Facility #	«FacNumber»
ID #	«ID»
Analyst #	«Analyst»

«MrMs»

c/o «FacName»

«FacAddress»

«CityStateZip»

INDIVIDUAL EXEMPTION REQUEST

This is to notify you that we received criminal history from the Department of Justice concerning you. By law, we notified the licensee of this fact. If the licensee terminates your employment because of notification we provided regarding your criminal record information, you have a right to ask for an exemption on your own behalf. If the licensee terminated you and you wish to seek a criminal record exemption, please provide the information listed below to show that you are of good character. Attach and mail to our office this information **within thirty (30) days from the date of this notice**. Write to the address below if you have any questions.

1. A letter signed by you giving your version of the events surrounding the conviction(s) including approximate date(s); what happened and why; how it happened; and any other information about the crime(s). You should also describe what you have done, if anything, to prevent this from happening again. The Caregiver Background Check Bureau will compare this version with your LIC 508, police reports and court documents. **If you cannot remember the crimes committed, you may make an appointment with the local licensing office to review your criminal record. Also, you may obtain a copy of your criminal record and contest the accuracy of the record by writing to: Department of Justice, Record Review Unit, P.O. Box 903417, Sacramento, CA 94203-4170.**
2. Written verification of any training or educational classes/courses or drug/alcohol therapy or counseling sessions you have completed.
3. Three (3) signed letters of character reference on your behalf with the telephone number and address of the person writing the letter. Reference letters cannot be from your relatives or family members.

I was terminated/removed from the licensed facility on: _____ and the facility did not request an exemption for me. I am requesting an exemption on my own behalf.

(____) _____
 Your Telephone Number _____ Your Complete Mailing Address, Including Zip Code _____
(Notify the Department within five (5) days of any change of your telephone number or mailing address.)

Signature _____

Date _____

Return to:

DEPARTMENT OF SOCIAL SERVICES**744 P Street, M.S. 19-62****Sacramento, California 95814****Attn: Caregiver Background Check Bureau**

Cbc2(4/00)

(DATE)

Facility #
<<FacNumber>>
ID # <<ID>>
Analyst #
<<Analyst>>

<<FacName>>
<<FacAddress>>
<<CityStateZip>>

Subject: Exemption needed for <<SUBJECT>>

IMMEDIATE ACTION REQUIRED

Dear Licensee:

This is to notify you that we received criminal history information from the Department of Justice for the person identified above. If you want this person to continue to be associated with your Foster Family Agency, you must request an exemption. **You are also required to give a copy of this notice to the person.**

If you do not request an exemption, this person cannot work or be present in any home certified by your agency.

You must notify us of your decision within thirty (30) days from the date of this letter by returning page two indicating that you do or do not request an exemption for this person, and by providing the information indicated. A decision on an exemption request may take sixty (60) days or longer.

If we do not hear from you within thirty (30) days, we will notify your local district licensing office that the person is not allowed to be in or associated with any foster home certified by your Foster Family Agency.

If you have any questions or concerns regarding this matter, please write to the address located above, with attention directed to analyst # <<Analyst>>.

Thank you.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

cbcb2FFA (rev. 4/00)

<<SUBJECT>>

FACILITY # oFacNumber))

ANALYST # <<Analyst>>

Please check one of the following, then date, and sign below:

I do request an exemption on behalf of the person named above. (Please attach and send the following information to this office within thirty (30) days from the date of this letter.)

1. Describe how or in what capacity the individual is/will be associated with the certified home.
2. A copy of Licensing Form LIC 508, (criminal record statement), that the individual was required to fill out at the time of employment with your facility, and any additional statements regarding their criminal record that may have been written or signed by the above named person.
3. A letter signed by the person giving his/her version of the events surrounding the conviction(s) including approximate date(s); what happened and why; how it happened; and any other information about the crime(s). It should also describe what he/she has done, if anything, to prevent this from happening again. The Caregiver Background Check Bureau will compare this version with the LIC 508, police reports, and court documents. **If the person cannot remember the crimes committed, he/she may make an appointment with the local licensing office to review his/her criminal record. The person may obtain a copy of his/her criminal record and contest the accuracy of the record by writing to: Department of Justice, Record Review Unit, P.O. Box 903417, Sacramento, CA 942034170.**
4. Written verification of any training or educational classes/courses or drug/alcohol therapy or counseling sessions completed by the person.
5. Three (3) letters of character reference, with signature, on behalf of the individual with the telephone number and address of the person writing the letter. Reference letters cannot be from relatives or family members of the above-named person or from employees associated with the licensed facility or certified home.
6. The complete and current mailing address and telephone number of the person. The person must notify the Department in five days of any changes.

I do not request an exemption for the person named above. ID # <<ID>>

Date of Termination/Removal:	
Your Name:	
Title	

Please return this page within thirty (30) days from the date of this letter.

Date

Signature

cbcb2FFA (rev. 4/00)

()
Telephone Number

(DATE)

«FacName»	Facility # «FacilityNum»
«FacAddress»	ID # «ID»
«CityStateZip»	Analyst # «Analyst»

Subject: ALERT – ADDITIONAL CRIMINAL HISTORY FOR:

«MrMs»

Dear Licensee:

This is to notify you that we received additional criminal history from the Department of Justice for the person identified above. This information may impact the previous exemption granted by the Department.

If you want this person to continue to be associated with your facility, you must request a continued exemption. If you do not request a continued exemption, you must immediately notify the person that he/she has right to request a continued exemption.

You must notify the Department of your decision within **fifteen (15) days** from the date of this letter. Check one of the options below indicating your decision. Please return this information to the address reflected above or fax it to (916) 274-6205.

If the person cannot remember the crime(s) committed, he/she may make an appointment with the local licensing office to review his/her criminal record. The person may obtain a copy of his/her criminal record and contest the accuracy of the record by writing to: Department of Justice, Record Review Unit, P.O. Box 903417, Sacramento, CA 94203-4170.

If we do not hear from you within **fifteen (15) days** the case will be closed and the previous exemption will no longer be valid. We will also advise your local district licensing office that the person named above is not allowed to be in or associated to your facility.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

[] **I do request a continued exemption for the person named above.** Attached is a letter signed by the person giving his/her version of the events surrounding the recent conviction(s). This letter includes the approximate date; what happened and why; how it happened; and any other information about the crime.

[] **I do not request a continued exemption for the person name above.** I have provided him/her with a copy of page two of this notification. Please disassociate this individual from my facility.

LICENSEE/DIRECTOR SIGNATURE_____
DATE

Cbc2-1Alert(Rev 3/00)

(DATE)

Facility # «FacilityNum»

ID # «ID»

Analyst # «Analyst»

«MrMs»

c/o «FacName»

«FacAddress»

«CityStateZip»

Subject: ALERT – ADDITIONAL CRIMINAL HISTORY FOR:

«MrMs»

This is to notify you that we received additional criminal history from the Department of Justice concerning you. By law, we notified the licensee of this fact. If the licensee terminated your employment because of the notification we provided regarding the additional criminal record information, you have a right to ask for an individual continued exemption on your own behalf.

If the licensee terminated you and you wish to request a continued exemption, please complete this form and provide the information listed below within **fifteen (15) days** from the date of this letter. Mail the information to the address below or fax it to (916) 274-6205. If we do not receive a request for a continued exemption from you, your file will be closed and your previous exemption will no longer be valid.

1. A letter signed by you giving your version of the events surrounding the recent conviction(s) including approximate date(s); what happened and why; how it happened; and any other information about the crime(s). **If you cannot remember the crime(s) committed, you may make an appointment with the local licensing office to review your criminal record. You may obtain a copy of your criminal record and contest the accuracy of the record by writing to: Department of Justice, Record Review Unit, P.O. Box 903417, Sacramento, CA 94203-4170.**

2. Current mailing address and telephone number.

I was terminated/removed from the licensed facility on: _____ and the facility did not request a continued exemption for me. I am requesting a continued exemption on my own behalf.

SIGNATURE_____
DATE

Return to:

DEPARTMENT OF SOCIAL SERVICES**744 P Street, M.S. 19-62****Sacramento, California 95814****Attn: Caregiver Background Check Bureau**

Cbcb2-1Alert (rev. 3/00)

(DATE)

«FacName»	Facility # «FacilityNum»
«FacAddress»	ID # «ID»
«CityStateZip»	Analyst # «Analyst»

Subject: ALERT – ADDITIONAL CRIMINAL HISTORY FOR:**«SUBJECT»**

Dear Licensee:

This is to notify you that we received additional criminal history from the Department of Justice for the person identified above. This information may impact the previous exemption granted by the Department. If you want this person to continue to be associated with your Foster Family Agency, you must request an exemption. **You are also required to give a copy of this notice to the person.**

If you do not request an exemption, children cannot continue to be placed in the certified home.

You must notify the Department of your decision within **fifteen (15) days** from the date of this letter. Check one of the options below indicating your decision. Please return this information to the address reflected above or fax it to (916) 274-6205.

If the person cannot remember the crime(s) committed, he/she may make an appointment with the local licensing office to review his/her criminal record. The person may obtain a copy of his/her criminal record and contest the accuracy of the record by writing to: Department of Justice, Record Review Unit, P.O. Box 903417, Sacramento, CA 94203-4170.

If we do not hear from you within **fifteen (15) days** the case will be closed and the previous exemption will no longer be valid. We will also advise your local district licensing office that the person named above is not allowed to be in or associated to your facility.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

☐ **I do request a continued exemption for the person named above.** Attached is a letter signed by the person giving his/her version of the events surrounding the recent conviction(s). This letter includes the approximate date; what happened and why; how it happened; and any other information about the crime.

☐ **I do not request a continued exemption for the person name above.** I have provided him/her with a copy of page two of this notification. Please disassociate this individual from my facility.

LICENSEE/DIRECTOR SIGNATURE_____
DATE

Cbc2-1AlertFFA(rev 3/00)

(DATE)

Facility # «FacNumber»
ID # «ID»
Analyst # «Analyst»

TO: District Office # «DO»
Evaluator # «Eval»

FROM: Caregiver Background Check Bureau

SUBJECT: «SUBJECT»

Please be advised that the Caregiver Background Check Bureau (CBCB) has received the attached criminal history transcript (rapsheet) for the individual identified above reflecting a felony conviction(s).

The Health and Safety Code requires that if a person is convicted of a felony, the State Department of Social Services shall notify the licensee to act immediately to terminate the person's employment, remove the person from the community care facility, or bar the person from entering the community care facility. It is the policy of the CBCB not to exclude applicants/licensees/family members from a facility if it is their primary residence/home.

The CBCB has forwarded a copy of the attached letter to the applicant/licensee advising them that if they want the person to continue to be associated to the facility, an exemption must be requested within the specified time frame. If you have any questions or need additional information, you may contact Analyst # «Analyst» at (916) «AnalystPhoneNumber».

Attachments

cc: «Regional_Office» Regional Office

Crcb2.2(rev.4/00)

«SUBJECT»

FACILITY # «FacNumber»

ANALYST # «Analyst»

Please check one of the following, then date and sign below:☐

I do request an exemption on behalf of the person named above. (Please attach and send the following information to this office within thirty (30) days from the date of this letter.)

1. Describe how or in what capacity the individual is/will be associated with the certified home.
2. A copy of Licensing Form LIC 508, (criminal record statement), that the individual was required to fill out at the time of employment with your facility, and any additional statements regarding their criminal record that may have been written or signed by the above-named person.
3. A letter signed by the person giving his/her version of the events surrounding the conviction(s) including approximate date(s); what happened and why; how it happened; and any other information about the crime(s). It should also describe what he/she has done, if anything, to prevent this from happening again. The Caregiver Background Check Bureau will compare this version with the LIC 508, police reports and court documents. **If the person cannot remember the crimes committed, he/she may make an appointment with the local licensing office to review his/her criminal record. The person may obtain a copy of his/her criminal record and contest the accuracy of the record by writing to: Department of Justice, Record Review Unit, P.O. Box 903417, Sacramento, CA 94203-4170.**
4. Written verification of any training or educational classes/courses or drug/alcohol therapy or counseling sessions completed by the person.
5. Three (3) letters of character reference, with signature, on behalf of the individual with the telephone number and address of the person writing the letter. Reference letters cannot be from relatives or family members of the above-named person or from employees associated with the licensed facility or certified home.
6. **The complete and current mailing address and telephone number of the person. The person must notify the Department in five days of any changes.**

☐

I do not request an exemption for the person named above. ID # «ID»

Date of Termination:	
Your Name:	
Title:	

Please return this page within thirty (30) days from the date of this letter.

Date

Signature

cc: District Office # «DO»

()

Evaluator # «Eval»

Telephone Number

Cbc2.2(rev 4/00)

(DATE)

Facility # «FacNumber»
ID # «ID»
Analyst # «Analyst»

«FacName»
«FacAddress»
«CityStateZip»

Subject: Exemption needed for «SUBJECT»

******IMMEDIATE ACTION REQUIRED******

Dear Licensee:

This is to notify you that we received criminal history information from the Department of Justice for the person identified above. If you want this person to continue to be associated with your facility, you must request an exemption.

If you do not request an exemption, this person cannot work or be present at your facility.

You must notify us of your decision within thirty (30) days from the date of this letter by returning page two indicating that you do or do not request an exemption for this person, and by providing the information indicated. A decision on an exemption request may take sixty (60) days or longer.

If we do not hear from you within thirty (30) days, we will notify your local district licensing office that the person is not allowed to be in or associated with your facility.

If you have any questions or concerns regarding this matter, please write to the address located above, with attention directed to analyst # «Analyst».

Thank you.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Cbcb2.2(rev 4/00)

«SUBJECT»

FACILITY # «FacNumber»

ANALYST # «Analyst»

Please check one of the following, then date and sign below:

☐ **I do request an exemption on behalf of the person named above. (Please attach and send the following information to this office within thirty (30) days from the date of this letter.)**

1. Describe how or in what capacity the individual is/will be associated with the licensed facility.
2. A copy of Licensing Form LIC 508, (criminal record statement), that the individual was required to fill out at the time of employment with your facility, and any additional statements regarding their criminal record that may have been written or signed by the above-named person.
3. A letter signed by the person giving his/her version of the events surrounding the conviction(s) including approximate date(s); what happened and why; how it happened; and any other information about the crime(s). It should also describe what he/she has done, if anything, to prevent this from happening again. The Caregiver Background Check Bureau will compare this version with the LIC 508, police reports and court documents. **If the person cannot remember the crimes committed, he/she may make an appointment with the local licensing office to review his/her criminal record. The person may obtain a copy of his/her criminal record and contest the accuracy of the record by writing to: Department of Justice, Record Review Unit, P.O. Box 903417, Sacramento, CA 94203-4170.**
4. Written verification of any training or educational classes/courses or drug/alcohol therapy or counseling sessions completed by the person.
5. Three (3) letters of character reference, with signature, on behalf of the individual with the telephone number and address of the person writing the letter. Reference letters cannot be from relatives or family members of the above-named person or from employees associated with the licensed facility.
6. **The complete and current mailing address and telephone number of the person. The person must notify the Department in five days of any changes.**

☐ **I do not request an exemption for the person named above. ID # «ID»**

Date of Termination:	
Your Name:	
Title:	

Please return this page within thirty (30) days from the date of this letter.

Date

Signature

Cbcb2.2(rev.4/00)

(_____)_____
Telephone Number

(DATE)

Facility # «FacNumber»
ID # «ID»
Analyst # «Analyst»
District Office # «DO»

«FacName»
«FacAddress»
«CityStateZip»

Subject: Exemption needed for «SUBJECT»

*****IMMEDIATE ACTION REQUIRED*****

Dear Licensee:

This is to notify you that we received criminal history information from the Department of Justice for the person identified above. **This person cannot work or be present at your facility due to the nature of their criminal record.**

You must immediately remove the person from the facility. This person cannot return to your facility unless they receive an exemption. You must notify us of your decision within thirty (30) days from the date of this letter by returning page two indicating that you do or do not request an exemption for this person, and by providing the information indicated. A decision on an exemption request may take sixty (60) days or longer.

If you do not request an exemption, you must immediately notify the person that he/she has a right to seek an exemption on his/her own behalf. At the time of termination from your facility, the person may use the Individual Exemption Request letter that was sent directly to them care of your facility. A person requesting an exemption on his/her own behalf cannot be present in the facility.

If we do not hear from you within thirty (30) days, we will notify your local district licensing office that the person is not allowed to be in or associated with your facility.

If you have any questions or concerns regarding this matter, please write to the address located above, with attention directed to analyst # «Analyst».

Thank-you.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Cbcb3 (rev.4/00)

(DATE)

Facility # «FacNumber»
 ID # «ID»
 Analyst # «Analyst»

«MrMs»
 c/o «FacName»
 «FacAddress»
 «CityStateZip»

INDIVIDUAL EXEMPTION REQUEST

This is to notify you that we received criminal history from the Department of Justice concerning you. By law, we notified the licensee of this fact. If the licensee terminates your employment or removes you from the facility because of notification we provided regarding your criminal record information, you have a right to ask for an exemption on your own behalf. If the licensee terminated you or removed you from the facility and you wish to seek a criminal record exemption, please provide the information listed below to show that you are of good character. Attach and mail to our office this information **within thirty (30) days from the date of this notice.** Write to the address below if you have any questions.

1. A letter signed by you giving your version of the events surrounding the conviction(s) including approximate date(s); what happened and why; how it happened; and any other information about the crime(s). You should also describe what you have done, if anything, to prevent this from happening again. The Caregiver Background Check Bureau will compare this version with your LIC 508, police reports and court documents. **If you cannot remember the crimes committed, you may make an appointment with the local licensing office to review your criminal record. Also, you may obtain a copy of your criminal record and contest the accuracy of the record by writing to: Department of Justice, Record Review Unit, P.O. Box 903417, Sacramento, CA 94203-4170.**
2. Written verification of any training or educational classes/courses or drug/alcohol therapy or counseling sessions you have completed.
3. Three (3) signed letters of character reference on your behalf with the telephone number and address of the person writing the letter. Reference letters cannot be from your relatives or family members.

I was terminated/removed from the licensed facility on: _____ and the facility did not request an exemption for me. I am requesting an exemption on my own behalf.

(____) _____
 Your Telephone Number Your Complete Mailing Address, Including Zip Code
(Notify the Department within five (5) days of any change of your telephone number or mailing address.)

Signature

Date

Return to:
DEPARTMENT OF SOCIAL SERVICES
744 P Street, M.S. 19-62
Sacramento, California 95814
Attn: Caregiver Background Check Bureau

Crcb3(rev4/00)

(DATE)

Facility #

«FacNumber»

ID # «ID»

Analyst # «Analyst»

District Office # «DO»

«FacName»

«FacAddress»

«CityStateZip»

Subject: Exemption needed for «SUBJECT»

******IMMEDIATE ACTION REQUIRED******

Dear Licensee:

This is to notify you that we received criminal history information from the Department of Justice for the person identified above. **This person cannot have children placed in the certified home due to the nature of their criminal record. You are also required to give a copy of this notice to the person.**

You must immediately remove the children from the certified home. Children can only be placed in this certified home if an exemption is granted. You must notify us of your decision within thirty (30) days from the date of this letter by returning page two indicating that you do not request an exemption for this person, and by providing the information indicated. A decision on an exemption request may take sixty (60) days or longer.

If we do not hear from you within thirty (30) days, we will notify your local district licensing office that the person is not allowed to have children placed in the certified home.

If you have any questions or concerns regarding this matter, please write to the address located above, with attention directed to analyst # «Analyst».

Thank you.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Cbcb3FFA(rev.4/00)

«SUBJECT»

FACILITY # «FacNumber»

ANALYST # «Analyst»

Please check one of the following, then date and sign below:☐

I do request an exemption on behalf of the person named above. (Please attach and send the following information to this office within thirty (30) days from the date of this letter.)

1. Describe how or in what capacity the individual is/will be associated with the licensed facility.
2. A copy of Licensing Form LIC 508, (criminal record statement), that the individual was required to fill out at the time of employment with your facility, and any additional statements regarding their criminal record that may have been written or signed by the above-named person.
3. A letter signed by the person giving his/her version of the events surrounding the conviction(s) including approximate date(s); what happened and why; how it happened; and any other information about the crime(s). It should also describe what he/she has done, if anything, to prevent this from happening again. The Caregiver Background Check Bureau will compare this version with the LIC 508, police reports and court documents. **If the person cannot remember the crimes committed, he/she may make an appointment with the local licensing office to review his/her criminal record. The person may obtain a copy of his/her criminal record and contest the accuracy of the record by writing to: Department of Justice, Record Review Unit, P.O. Box 903417, Sacramento, CA 94203-4170.**
4. Written verification of any training or educational classes/courses or drug/alcohol therapy or counseling sessions completed by the person.
5. Three (3) letters of character reference, with signature, on behalf of the individual with the telephone number and address of the person writing the letter. Reference letters cannot be from relatives or family members of the above-named person or from employees associated with the licensed facility.
6. **The complete and current mailing address and telephone number of the person. The person must notify the Department in five days of any changes.**

☐

I do not request an exemption for the person named above.

ID # «ID»

Date of Termination:	
Your Name:	
Title:	

Please return this page within thirty (30) days from the date of this letter.

Date

Signature

cc: District Office # «DO»

()

Evaluator # «Eval»

Telephone Number

Cbc3FFA(4/00)

(DATE)

«FacName» Facility # «FacilityNum»
«FacAddress» ID # «ID»
«CityStateZip» Analyst # «Analyst»

Subject: ALERT – ADDITIONAL CRIMINAL HISTORY FOR:

«SUBJECT»

Dear Licensee:

This is to notify you that we received additional criminal history from the Department of Justice for the person identified above. This information may impact the previous exemption granted by the Department. **This person cannot work or be present at your facility due to the subsequent criminal record information.**

If you want this person to continue to be associated with your facility, you must request a continued exemption. If you do not request a continued exemption, you must immediately notify the person that he/she has right to request a continued exemption.

You must notify the Department of your decision within **fifteen (15) days** from the date of this letter. Check one of the options below indicating your decision. Please return this information to the address reflected above or fax it to (916) 274-6205.

If the person cannot remember the crime(s) committed, he/she may make an appointment with the local licensing office to review his/her criminal record. The person may obtain a copy of his/her criminal record and contest the accuracy of the record by writing to: Department of Justice, Record Review Unit, P.O. Box 903417, Sacramento, CA 94203-4170.

If we do not hear from you within **fifteen (15) days** the case will be closed and the previous exemption will no longer be valid. We will also advise your local district licensing office that the person named above is not allowed to be in or associated to your facility.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

[] **I do request a continued exemption for the person named above.** Attached is a letter signed by the person giving his/her version of the events surrounding the recent conviction(s). This letter includes the approximate date; what happened and why; how it happened; and any other information about the crime.

[] **I do not request a continued exemption for the person name above.** I have provided him/her with a copy of page two of this notification. Please disassociate this individual from my facility.

LICENSEE/DIRECTOR SIGNATURE

DATE

Cbcb3.1Alert(rev.3/00)

(DATE)

Facility # «FacilityNum»
ID # «ID»
Analyst # «analyst»
«MrMs»
c/o «FacName»
«FacAddress»
«CityStateZip»

Subject: ALERT – ADDITIONAL CRIMINAL HISTORY FOR
«SUBJECT»

This is to notify you that we received additional criminal history from the Department of Justice concerning you. By law, we notified the licensee of this fact. If the licensee terminated your employment because of the notification we provided regarding the additional criminal record information, you have a right to ask for an individual continued exemption on your own behalf.

If the licensee terminated you and you wish to request a continued exemption, please complete this form and provide the information listed below within **fifteen (15) days** from the date of this letter. Mail the information to the address below or fax it to (916) 274-6205. If we do not receive a request for a continued exemption from you, your file will be closed and your previous exemption will no longer be valid.

1. A letter signed by you giving your version of the events surrounding the recent conviction(s) including approximate date(s); what happened and why; how it happened; and any other information about the crime(s). **If the person cannot remember the crime(s) committed, he/she may make an appointment with the local licensing office to review his/her criminal record. The person may obtain a copy of his/her criminal record and contest the accuracy of the record by writing to: Department of Justice, Record Review Unit, P.O. Box 903417, Sacramento, CA 94203-4170.**
2. Current mailing address and telephone number.

I was terminated/removed from the licensed facility on:_____ and the facility did not request a continued exemption for me. I am requesting a continued exemption on my own behalf.

SIGNATURE_____
DATE

Return to:
DEPARTMENT OF SOCIAL SERVICES
744 P Street, M.S. 19-62
Sacramento, California 95814
Attn: Caregiver Background Check Bureau

Crcb3-1Alert(rev 3/00)

(DATE)

«FacName»	Facility # «FacilityNum»
«FacAddress»	ID # «ID»
«CityStateZip»	Analyst # «analyst»

Subject: ALERT – ADDITIONAL CRIMINAL HISTORY FOR:

«SUBJECT»

Dear Licensee:

This is to notify you that we received additional criminal history from the Department of Justice for the person identified above. This information may impact the previous exemption granted by the Department. **This person cannot have children placed in the certified home due to the nature of their criminal record. You are also required to give a copy of this notice to the person.**

You must immediately remove the children from the certified home. Children can only be placed in this certified home if an exemption is continued.

You must notify the Department of your decision within **fifteen (15) days** from the date of this letter. Check one of the options below indicating your decision. Please return this information to the address reflected above or fax it to (916) 274-6205.

If the person cannot remember the crime(s) committed, he/she may make an appointment with the local licensing office to review his/her criminal record. The person may obtain a copy of his/her criminal record and contest the accuracy of the record by writing to: Department of Justice, Record Review Unit, P.O. Box 903417, Sacramento, CA 94203-4170.

If we do not hear from you within **fifteen (15) days** the case will be closed and the previous exemption will no longer be valid. We will also advise your local district licensing office that the person named above is not allowed to be in or associated to your facility.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

☐ **I do request a continued exemption for the person named above.** Attached is a letter signed by the person giving his/her version of the events surrounding the recent conviction(s). This letter includes the approximate date; what happened and why; how it happened; and any other information about the crime.

☐ **I do not request a continued exemption for the person name above.** I have provided him/her with a copy of page two of this notification. Please disassociate this individual from my facility.

LICENSEE/DIRECTOR SIGNATURE DATE
Cbc3-1Alert FFA/rev 3/00

(DATE)

Facility # «FacilityNum»

ID # «ID»

Analyst # «Analyst»

«MrMs»

c/o «FacName»

«FacAddress»

«CityStateZip»

Subject: ALERT – ADDITIONAL CRIMINAL HISTORY FOR

«SUBJECT»

This is to notify you that we received additional criminal history from the Department of Justice concerning you. By law, we notified the licensee of this fact. If the licensee terminated your employment because of the notification we provided regarding the additional criminal record information, you have a right to ask for an individual continued exemption on your own behalf.

If the licensee terminated you and you wish to request a continued exemption, please complete this form and provide the information listed below within **fifteen (15) days** from the date of this letter. Mail the information to the address below or fax it to (916) 274-6205. If we do not receive a request for a continued exemption from you, your file will be closed and your previous exemption will no longer be valid.

1. A letter signed by you giving your version of the events surrounding the recent conviction(s) including approximate date(s); what happened and why; how it happened; and any other information about the crime(s). **If you cannot remember the crime(s) committed, you may make an appointment with the local licensing office to review your criminal record. You may obtain a copy of your criminal record and contest the accuracy of the record by writing to: Department of Justice, Record Review Unit, P.O. Box 903417, Sacramento, CA 94203-4170.**

2. Current mailing address and telephone number.

I was terminated/removed from the licensed facility on: _____ and the facility did not request a continued exemption for me. I am requesting a continued exemption on my own behalf.

SIGNATURE_____
DATE

Return to:

DEPARTMENT OF SOCIAL SERVICES**744 P Street, M.S. 19-62****Sacramento, California 95814****Attn: Caregiver Background Check Bureau**

Cbcb3-1AlertFFA(rev.3/00)

(DATE)

Facility # «FacNumber»
ID # «ID»
Analyst # «Analyst»

«FacName»
«FacAddress»
«CityStateZip»

SUBJECT: Approved Exemption for «SUBJECT»

An exemption to Health & Safety Code Sections 1522, 1568.09, 1569.17 or 1596.871, has been approved for you in your efforts to obtain and/or maintain a community care license for your «FacType».

This exemption shall remain valid provided you continue to demonstrate good character and comply with all rules, regulations, and other conditions as set forth by Community Care Licensing statutes. In the event we receive information that you failed to comply with exemption requirements, this exemption shall be revoked.

This exemption applies only to the facility number identified above. Please retain this letter with your facility records. You may also wish to place a copy of this letter in the personnel file.

If you have any questions concerning this letter, you may write to the above address with attention directed to analyst # «Analyst».

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Cbcb4.0(rev.4/00)Approval Lic/App/Spouse/Fam Mem.

(DATE)

Facility # «FacNumber»
ID # «ID»
Analyst # «Analyst»

«FacName»
«FacAddress»
«CityStateZip»

SUBJECT: Approved Exemption for «SUBJECT»

An exemption to Health & Safety Code Sections 1522, 1568.09, 1569.17, or 1596.871, has been approved for you in your efforts to obtain and/or maintain a community care license for your «FacType».

This exemption is approved with the condition that «Condition».

If you wish to appeal the condition on the approved exemption, you may request a formal hearing. Forward the written request for a hearing to:

Department of Social Services
Caregiver Background Check Bureau
744 P Street, M.S. 19-62
Sacramento, California 95814
Attention: Analyst # «Analyst»

The written request for hearing must include a copy of this letter and must be made within fifteen (15) days of the date of this letter. The Department of Social Service upon receipt of the request will provide an acknowledgement of the receipt of the written request.

This exemption shall remain valid provided you continue to demonstrate good character and comply with all rules, regulations, and other conditions as set forth by Community Care Licensing statutes. In the event we receive information that you failed to comply with exemption requirements, this exemption shall be revoked.

This exemption applies only to the facility number identified above. Please retain this letter with your facility records. You may also wish to place a copy of this letter in the personnel file.

«SUBJECT»

«Date»

Page Two

If you have any questions concerning this letter, you may write to the above address with attention directed to analyst # «Analyst».

Sincerely,

«MANAGER», Supervisor
Caregiver Background Check Bureau

cc: District Office # «DO»
Evaluator # «Eval»

Cbcb4.01(rev.6/99)Conditional Approval Lic./App/Spouse/Fam Mem

(DATE)

Facility # «FacNumber»
ID # «ID»
Analyst # «Analyst»

«FacName»
«FacAddress»
«CityStateZip»

SUBJECT: Approved Exemption for «SUBJECT»

An exemption to Health & Safety Code Sections 1522, 1568.09, 1569.17 or 1596.871, has been approved for «MrorMs» to continue either as a resident or employee in your licensed «FacType».

This exemption shall remain valid provided he/she continues to demonstrate good character and complies with all rules, regulations, and other conditions as set forth by Community Care Licensing statutes. In the event we receive information that he/she failed to comply with exemption requirements this exemption shall be revoked.

This exemption applies only to the facility number identified above. Please retain this letter with your facility records. You may also wish to place a copy of this letter in the personnel file.

If you have any questions concerning this letter, you may write to the above address with attention directed to analyst # «Analyst».

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Cbcb4.1(rev. 4/00)Approval Emp/Res/Other

(DATE)

Facility # «FacNumber»
ID # «ID»
Analyst # «Analyst»

«FacName»
«FacAddress»
«CityStateZip»

SUBJECT: Approved Exemption for «SUBJECT»

An exemption to Health & Safety Code Sections 1522, 1568.09, 1569.17, or 1596.871, has been approved for «MsorMr» to continue either as a resident or employee in your licensed «FacType».

This exemption is approved with the condition that «**Condition**».

If you wish to appeal the condition on the approved exemption, you may request a formal hearing. Forward the written request for a hearing to:

Department of Social Services
Caregiver Background Check Bureau
744 P Street, M.S. 19-62
Sacramento, California 95814
Attention: Analyst # «Analyst»

The written request for hearing must include a copy of this letter and must be made within fifteen (15) days of the date of this letter. The Department of Social Service upon receipt of the request will provide an acknowledgement of the receipt of the written request.

This exemption shall remain valid provided he/she continues to demonstrate good character and complies with all rules, regulations, and other conditions as set forth by Community Care Licensing statutes. In the event we receive information that he/she failed to comply with exemption requirements this exemption shall be revoked.

This exemption applies only to the facility number identified above. Please retain this letter with your facility records. You may also wish to place a copy of this letter in the personnel file.

«SUBJECT»

«Date»

Page Two

If you have any questions concerning this letter, you may write to the above address with attention directed to analyst # «Analyst».

Sincerely,

«MANAGER», Supervisor
Caregiver Background Check Bureau

cc: District Office # «DO»
Evaluator # «Eval»

Cbcb4.11(rev. 6/99)Conditional Approval Emp/Res/Other

(DATE)

Facility # 757588888
ID # «ID»
Analyst # «Analyst»

«SubName»
«SubAddress»
«CityStateZip»

Subject: Exemption Approved for «SUBJECT»

An exemption to Health & Safety Code Sections 1522, 1568.09, 1569.17, or 1596.871, has been approved for you to be an employee in a Community Care Licensed «FacTyp».

This exemption shall remain valid for a maximum of two (2) years from the date of this letter unless you become associated with a facility. You must continue to demonstrate good character and comply with all rules, regulations, and other conditions as set forth for employment, residence, or presence in a Community Care Licensed facility. In the event we receive information that you failed to comply with exemption requirements this exemption shall be revoked.

You must inform us in writing at the address above of any changes in your address and/or telephone number. Please retain this letter for your records. If you have any questions concerning this letter, you may write to the address located above with attention directed to analyst # «Analyst».

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Cbcb21(rev.4/00) Individual Approval

(DATE)

Facility # «FacNumber»
ID # «ID»
Analyst # «AnalystNumber»

«LicName»
«LicAddress»
«CityStateZip»

SUBJECT: DENIED EXEMPTION FOR «SUBJECT»

An exemption to California Code of Regulations, Title 22, Division «Division», Section «Section», Health and Safety Code «HSCode», has been denied for «MrorMs».

The primary concern of this Department is the health and safety of clients served. To justify granting an exemption, the Department must have substantial and convincing evidence to support a reasonable belief that the person is of good character. The information provided with the request did not convince us that this standard was met.

You have a right to appeal the decision of the Department, pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58, and 1596.8897. If you choose to appeal the decision, forward your written appeal to:

Central Operations Branch
Caregiver Background Check Bureau
744 P Street, M.S. 19-62
Sacramento, California 95814

The appeal must be mailed within fifteen (15) days of the date of this letter. The Department will provide you with an acknowledgment of your appeal.

During the interim, the person named above may not continue having contact with clients in any elderly facility, community care facility or child day care facility licensed by the Department of Social Services and is prohibited from having any foster children placed with them pending the appeal.

«SUBJECT»

«Date»

Page Two

However, they may petition for reinstatement to the Department one year after the date of the exclusion. See Government Code Section 11522 enclosed.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Enclosure

cc: District Office # «DO»
District Office Manager

Cbcb5.1(rev.4/00)Denial Employee/Resident

(DATE)

Facility # «FacNumber»
ID # «ID»
Analyst # «Analyst»

«LicName»
«LicAddress»
«CityStateZip»

SUBJECT: Denied Exemption for «SUBJECT»

An exemption to California Code of Regulations, Title 22, Section «Section», Health and Safety Code «HSCode», has been denied for «MrorMs».

The primary concern of this Department is the health and safety of clients served. To justify granting an exemption, the Department must have substantial and convincing evidence to support a reasonable belief that the person is of good character. The information provided with the request did not convince us that this standard was met.

You have a right to appeal the decision of the Department, pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58, and 1596.8897. If you choose to appeal the decision, forward your written appeal to:

Central Operations Branch
Caregiver Background Check Bureau
744 P Street, MS 19-62
Sacramento, California 95814

The appeal must be mailed within fifteen (15) days of the date of this letter. The Department will provide you with an acknowledgment of your appeal.

If you decide not to appeal this decision, it will become final fifteen (15) days after the date of this letter. At that time the subject named above may not be present in or have contact with clients of any facility licensed by this Department and are prohibited from having any foster children placed with them. They may petition for reinstatement to the Department one year after the date of the exclusion. See Government code Section 11522 enclosed.

«SUBJECT»

«Date»

Page Two

If the appeal is received by the department within fifteen (15) days of the date of this letter, the individual may continue employment and be present at the facility.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Enclosure

cc: District Office # «DO»
District Office Manager

Cbcb5.2(rev. 4/00)In-Facility/Denial Employee Resident

(DATE)

Facility #	«FacNumber»
ID #	«ID»
Analyst #	«Analyst»

«LicName»
«LicAddress»
«CityStateZip»

Subject: NON-EXEMPTIBLE OFFENSE
«SUBJECT»

We have received the criminal record history of «MrorMs» from the Department of Justice (DOJ). The record discloses that there is a conviction which disqualifies him/her from working or being present in a Community Care Licensed facility. The person must *immediately* be removed from the facility and may not continue having contact with the clients. This Department must be notified of this action within fifteen (15) days of the date of this letter.

The penal code section upon which the individual was convicted is a non-exemptible violation pursuant to Health and Safety Code Section «HSCode». We cannot disclose the nature of the crime in this letter, although such information may be obtained by contacting the DOJ. **Exemptions for this type of offense are not granted by this Department.**

The information contained on the criminal history may be challenged only if the conviction(s) referenced was not committed by the individual and there is an error in the information listed on the criminal record history.

To question the accuracy or completeness of any information contained in the criminal record, a written request may be submitted to the DOJ. The request must include a statement of the alleged inaccuracy or incompleteness in the record, and shall specify any proof or corroboration available.

«SUBJECT»

«Date»

Page Two

Forward any questions that you may have regarding the record review process, and/or the request for a departmental review of record inaccuracies to the following address:

Department of Justice
P.O. Box 903417
Sacramento, CA 94203-4170
Attn: Record Review Unit

Please forward a copy of your request to the Department of Justice (DOJ) to this Department, and we will leave the file open pending the DOJ's review. Additionally, if you believe that the Department of Social Services made a mistake in reviewing and interpreting your criminal record and that you were not convicted of an automatically disqualifying crime, write to the Department of Social Services address on page one of this letter, with attention directed to analyst # «Analyst» within fifteen (15) days of the mailing of this letter. Please include your current mailing address and telephone number. If we do not hear from you within fifteen (15) days of the mailing of this letter, we will consider this matter closed.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

cc: District Office # «DO»
District Office Manager

Cbcb6.1(rev.4/00)Non-Exemptible Employee Resident

(DATE)

Facility #	«FacNumber»
ID #	«ID»
Analyst #	«Analyst»

«LicName»
«LicAddress»
«CityStateZip»

Subject: NON-EXEMPTIBLE OFFENSE
«SUBJECT»

We have received the criminal record history of «MrorMs» from the Department of Justice (DOJ). The record discloses that there is a conviction which disqualifies him/her from working or being present in a Community Care Licensed facility. **This person cannot have children placed in the certified home due to the nature of their criminal record.** This Department must be notified of this action within fifteen (15) days of the date of this letter.

The penal code section upon which the individual was convicted is a non-exemptible violation pursuant to Health and Safety Code Section «HSCode». We cannot disclose the nature of the crime in this letter, although such information may be obtained by contacting the DOJ. **Exemptions for this type of offense are not granted by this Department.**

The information contained on the criminal history may be challenged only if the conviction(s) referenced was not committed by the individual and there is an error in the information listed on the criminal record history.

To question the accuracy or completeness of any information contained in the criminal record, a written request may be submitted to the DOJ. The request must include a statement of the alleged inaccuracy or incompleteness in the record, and shall specify any proof or corroboration available.

«SUBJECT»

«Date»

Page Two

Forward any questions that you may have regarding the record review process, and/or the request for a departmental review of record inaccuracies to the following address:

Department of Justice
P.O. Box 903417
Sacramento, CA 94203-4170
Attn: Record Review Unit

Please forward a copy of your request to the Department of Justice (DOJ) to this Department, and we will leave the file open pending the DOJ's review. Additionally, if you believe that the Department of Social Services made a mistake in reviewing and interpreting your criminal record and that you were not convicted of an automatically disqualifying crime, write to the Department of Social Services address on page one of this letter, with attention directed to analyst # «Analyst» within fifteen (15) days of the mailing of this letter. Please include your current mailing address and telephone number. If we do not hear from you within fifteen (15) days of the mailing of this letter, we will consider this matter closed.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

cc: District Office # «DO»
District Office Manager

Cbcb6.1FFA(rev. 4/00) Non-Exemptible Employee/Resident

(DATE)

Facility # 757588888

ID # «ID»

Analyst # «Analyst»

«SubjectName»

«Address»

«CityStateZip»

Subject: Exemption Denied for «SUBJECT»

Your individual exemption request to California Code of Regulations, Title 22, Division «Division», Section «Section», Health and Safety Code «HSCode» has been denied.

The primary concern of the Department is the health and safety of clients served. To justify granting an exemption, the Department must have substantial and convincing evidence to support a reasonable belief that the person is of good character. The information provided with the request did not convince us that this standard was met.

You have a right to appeal the decision of the Department, pursuant to Health and Safety Code 1558. If you choose to appeal the decision, forward your written appeal to:

Central Operations Branch
Caregiver Background Check Bureau
744 P Street, MS 19-62
Sacramento, California 95814

The appeal must be mailed within fifteen (15) days of the date of this letter. The Department will provide you with an acknowledgment of your appeal.

You may petition for reinstatement to the Department one year after the date of the exclusion. See Government Code Section 11522 enclosed. If you have any questions concerning this letter, you may write to the above address with attention directed to analyst #«Analyst».

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Enclosure

Cbcb22(rev. 4/00)Denial/Invididual

(DATE)

Facility # «FacNumber»
ID # «ID»
Analyst # «Analyst»

«SubName»
«SubAddress»
«CityStateZip»

Subject: Exemption Denied for «SUBJECT»

You former employer may have incorrectly advised you that you were eligible to submit an individual exemption request. After reviewing your request we have found that you are not eligible for an individual exemption because you were either terminated prior to January 1995, or because your termination had nothing to do with your employer receiving notice from us about your criminal record.

This action is not subject to appeal.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Cbcb22.2(rev.4/00)Denial/Individual Not Eligible

(DATE)

Facility # «FacNumber»

ID # «ID»

Analyst # «Analyst»

«FacName»

«FacAddress»

«CityStateZip»

Subject: Exemption Revocation for «SUBJECT»

This is to notify you that the exemption for the person identified above has been revoked. **This person cannot continue having contact with clients in any elderly facility, community care facility or child day care facility licensed by the Department of Social Services and is prohibited from having foster children placed with them pending appeal.**

This person failed to comply with the terms and conditions set forth in the previously approved exemption. You have a right to appeal the decision of the Department, pursuant to Health and Safety Code Sections 1558, 1568.092, 1569.58 and 1596.8897. If you choose to appeal the decision, forward your written appeal to:

Central Operations Branch
Caregiver Background Check Bureau
744 P Street, MS 19-62
Sacramento, CA 95814

The appeal must be mailed within fifteen (15) days of the date of this letter. The Department will provide you with an acknowledgment of your appeal. The person may petition for reinstatement to the Department one year after the date of the exclusion. See Government Code Section 11522 enclosed.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Enclosure

cc: District Office # «DO»
District Office Manager

Cbc23(Rev.4/00) Revocation of Exemption

(DATE)

Facility # «FacNumber»
ID # «ID»
Analyst # «Analyst»

«RegionalOffice» Regional Office
«ROAddress»
«CityStateZip»

**EXEMPTION DENIAL NOTIFICATION
APPLICANT/LICENSEE OR FAMILY MEMBER**

SUBJECT: Denied or Revoked Exemption for «SUBJECT»

The Caregiver Background Check Bureau (CBCB) has denied the criminal record exemption for the above-named person. The applicant, licensee, or family member has failed to sufficiently demonstrate good character to warrant the issuance of an exemption or continuation of the current exemption.

Based upon a denied criminal record exemption, the District Office must now take the appropriate action identified under Section 1-1010 of the Evaluator Manual against the license or pending application. The District Office must deny/revoke the application/license or take other appropriate action.

The District Office will be responsible for informing the applicant that the criminal record exemption request was denied. Since the denied exemption decision affects the pending application, the District Office will convey the exemption denial decision to the applicant, in lieu of CBCB mailing a separate denial letter. When CBCB revokes the licensee's exemption, the District Office shall prepare the statement of facts.

Please send the attached form back to CBCB after the District Office has taken action to ensure appropriate legal case tracking and correct LIS input so the rapsheet service can continue to be provided by the Department of Justice pending the final Decision and Order. If we do not hear from you within sixty (60) days, the exemption denial decision will be entered and the individual will become inactive.

«SUBJECT»

«Date»

Page Two

However, they may petition for reinstatement to the Department one (1) year after the date of the exclusion. If you have any questions, please contact the assigned CBCB analyst listed above at (916) «AnalystTelNum».

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Attachment

cc: District Office # «DO»
District Office Manager

cbb 5.0 (Rev. 4/00) Unified Appeal

Date: _____

FACILITY # «FacNumber»

ID # «ID»

ANALYST # «Analyst»

TO: CAREGIVER BACKGROUND CHECK BUREAU

FROM: «RegionalOffice» REGIONAL OFFICE

SUBJECT: «SUBJECT»

[] Please be advised that the above named person has appealed the denial of their application/license. The legal case number is _____. The Legal Division will contact CBCB to obtain the criminal record exemption denial documentation.

[] Please be advised that the above named person has not appealed the denial of their application/license within the fifteen (15) day time period. The District Office shall enter the denial on the LIS. The CBCB analyst may close out their case.

[] Other action taken. (Please explain): _____

Person completing this form: _____

Telephone #: () _____

Date: _____

cc: District Office Manager
D.O. # «DO»

Community Care Licensing (DATE)

<D.O. Address>

<D.O. City/State/Zip>

(530) <Phone>

CERTIFIED

<Subject Name>

<Subject Address>

<Subject City/State/Zip>

SAMPLE

Dear <Mr./Ms.>

You are hereby advised that your application received for licensure of a <Facility Type> located at <Facility Address> is denied. The denial of your application is effective <Denial Effective Date>.

The denial of your application is based upon your failure to provide satisfactory evidence that you can meet or conform to licensing requirements as outlined in the Health and Safety Code, Chapters 3, 4, 3.5 and 3.6, commencing with 1596, and the California Code of Regulations, Title 22, Section, 102401.

You have demonstrated the inability to comply with statutes and/or regulations which include, but are not limited to the following:

An exemption to California Code of Regulations, Title 22, Division <Division>, Section <Section>, Health and Safety Code <HSCode>, had been denied for <MrorMs>.

As indicated in Section 1596.879 of the Health and Safety Code, and applicant may present a written appeal within 15 days after the licensing agency mails this denial notice. This appeal should include such identifying information as facility name, facility number and facility address. Send your appeal request to the address below:

<Region> Regional Office

<Region Address>

<Region City/State/Zip>

Pending adoption by the Department of Social Services of the decision of this denial action, you are prohibited by law from operating the facility.

Sincerely,

<Name>

<D.O.> District Manager

c: Regional Manager

crcb5.0(rev 4/00)unified appeal

(DATE)

Facility # «FacNumber»
ID # «ID»
Analyst # «Analyst»

«RegionalOffice» Regional Office
«ROAddress»
«CityStateZip»

**EXEMPTION DENIAL NOTIFICATION
APPLICANT/LICENSEE OR FAMILY MEMBER**

SUBJECT: Denied or Revoked Exemption for «SUBJECT»

The Caregiver Background Check Bureau (CBCB) has denied the criminal record exemption for the above-named person. The applicant, licensee, or family member has been convicted of a **Non-Exemptible** offense.

Based upon a denied criminal record exemption, the District Office must now act to take the appropriate action identified under Section 1-1010 of the Evaluator Manual against the license or pending application. The District Office must deny/revoke the application/license or take other appropriate action.

The District Office will be responsible for informing the applicant that the criminal record exemption request was denied. Since the denied exemption decision affects the pending application, the District Office will convey the exemption denial decision to the applicant, in lieu of CBCB mailing a separate denial letter. When CBCB revokes the licensee's exemption, the District Office shall prepare the statement of facts.

Please send the attached form back to CBCB after the District Office has taken action to ensure appropriate legal case tracking and correct LIS input so the rapsheet service can continue to be provided by the Department of Justice pending the final Decision and Order. If we do not hear from you within sixty (60) days, the exemption denial decision will be entered and the individual will become inactive.

«SUBJECT»

«Date»

Page Two

However, they may petition for reinstatement to the Department one (1) year after the date of the exclusion. If you have any questions, please contact the assigned CBCB analyst listed above at (916) «AnalystTelNum».

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Attachment

cc: District Office # «DO»
District Office Manager

cbb 6.0 (rev. 4/00) Unified Appeal/Non-Exempt

Date: _____

FACILITY # «FacNumber»

ID # «ID»

ANALYST # «Analyst»

TO: CAREGIVER BACKGROUND CHECK BUREAU

FROM: «RegionalOffice» REGIONAL OFFICE

SUBJECT: «SUBJECT»

[] Please be advised that the above named person has appealed the denial of their application/license. The legal case number is _____. The Legal Division will contact CBCB to obtain the criminal record exemption denial documentation.

[] Please be advised that the above named person has not appealed the denial of their application/license within the fifteen (15) day time period. The District Office shall enter the denial on the LIS. The CBCB analyst may close out their case.

[] Other action taken. (Please explain): _____

Person completing this form: _____

Telephone #: () _____

Date: _____

cc: District Office Manager
D.O. # «DO»

(DATE)

Facility # «FacNumber»

ID # «ID»

Analyst # «Analyst»

«FacName»

«FacAddress»

«CityStateZip»

Subject: Facility Association Closure for: «SUBJECT»

We recently informed you by letter that the person identified above did not receive a criminal record clearance from the Department of Justice. You were also informed of the process that you needed to follow to request an exemption on behalf of this person.

You did not request an exemption for this person. The law specifies that this person cannot be present on the facility premises. **You must immediately remove this person from the premises or bar this person from re-entering the premises, if you have not already done so.**

If you have any questions regarding this matter, write to the above address with attention directed to analyst # «Analyst».

Thank-you.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Cbcb 9(rev.4/00)Agency Initiated Closure

(DATE)

TO: District Office # <<DO>>
Evaluator # <<Eval>>

FROM: Caregiver Background Check Bureau

SUBJECT: CASE CLOSURE FOR <<SUBJECT>>

ID # <<ID>>

Facility # <<FacNumber>>

This is to notify you that an exemption is needed for the above-named individual. We notified the licensee by mail of the need for an exemption and we have not received a response within the specified time frame. Please advise us on the status of this individual and license, and whether an exemption will be pursued.

Please notify our office by <<Date10days>>. If we do not hear from you or the licensee by this date, we will close our case file and no further action will be taken. If you have any questions regarding this notice, please contact Analyst # <<Analyst>> at (916) <<Phone Number>>.

Thank you for your assistance.

cbcbIO (rev. 6/99) D.O. Closure

(DATE)

TO: District Office # «DO»
Evaluator # «Eval»

FROM: Caregiver Background Check Bureau

SUBJECT: **CASE CLOSURE**

RE: «SUBJECT»

ID # «ID»

Facility # «FacNumber»

This is to notify you that a criminal record clearance was not obtained through the Department of Justice on the above-named individual. We notified the licensee by mail of the need for an exemption. We also notified the licensee to inform the individual of his/her rights to request an exemption on his/her own behalf. The licensee has informed us the individual is no longer associated with the facility. Therefore, we are unable to contact the individual, and are closing the file.

If you have any questions regarding this notice, please contact Analyst # «Analyst». Thank you for your assistance.

Caregiver Background Check Bureau
Community Care Licensing Division
Department of Social Services

Crcb11(rev 4/00)licensee initiated closure

(DATE)

ACKNOWLEDGMENT OF REQUEST FOR HEARING

TO: <u>«EmployeeName»</u>	<u>«ID»</u>
(NAME OF EMPLOYEE)	(ID NO.)

«FacName»
(NAME OF FACILITY WHERE FORMERLY EMPLOYED)

«EmployeeHomeAddress»
(EMPLOYEE'S HOME ADDRESS)

«City»	California	«Zip»
(CITY)	(STATE)	(ZIP CODE)

Your written request for a hearing was received by this office on «DateReceived». You will be receiving further communications from our legal office concerning your appeal.

If you were previously ordered not to be present in a licensed facility, you must not have any contact with clients or be present in any facility licensed by the State Department of Social Services pending this appeal.

ANDY AH PO, Chief
Caregiver Background Check Bureau

cc: District Office # «DO»
LPA # «Eval»

(rev. 6/99)

crcback(rev 6/99)